

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

FTX TRADING LTD., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-11068 (JTD)

(Jointly Administered)

**DECLARATION OF BRIAN D. GLUECKSTEIN  
IN SUPPORT OF MOTION OF DEBTORS FOR ENTRY OF ORDERS  
(I)(A) APPROVING BID PROCEDURES, STALKING HORSE PROTECTIONS AND  
THE FORM AND MANNER OF NOTICES FOR THE SALE OF CERTAIN  
BUSINESSES, (B) APPROVING ASSUMPTION AND ASSIGNMENT PROCEDURES  
AND (C) SCHEDULING AUCTION(S) AND SALE HEARING(S) AND  
(II)(A) APPROVING THE SALE(S) FREE AND CLEAR OF LIENS, CLAIMS,  
INTERESTS AND ENCUMBRANCES AND (B) AUTHORIZING ASSUMPTION AND  
ASSIGNMENT OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

I, Brian D. Glueckstein hereby declare as follows:

1. I am a member in good standing of the Bar of the State of New York and have been admitted *pro hac vice* to practice before this Court. I am a partner of Sullivan & Cromwell LLP and am one of the attorneys representing FTX Trading Ltd. and its affiliated debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned proceedings. I submit this declaration in support of the *Motion of Debtors for Entry of Orders (I)(A) Approving Bid Procedures, Stalking Horse Protections and the Form and Manner of Notices for the Sale of Certain Businesses, (B) Approving Assumption and Assignment Procedures and (C) Scheduling Auction(s) and Sale Hearing(s) and (II)(A) Approving the Sale(s) Free and Clear of Liens,*

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<sup>1</sup> The last four digits of FTX Trading Ltd.’s and Alameda Research LLC’s tax identification number are 3288 and 4063 respectively. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.ra.kroll.com/FTX>.

*Claims, Interests and Encumbrances and (B) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases [D.I. 233] (the “Motion”)<sup>2</sup> and the Debtors’ Reply in Support of Motion of Debtors for Entry of Orders (I)(A) Approving Bid Procedures, Stalking Horse Protections and the Form and Manner of Notices for the Sale of Certain Businesses, (B) Approving Assumption and Assignment Procedures and (C) Scheduling Auction(s) and Sale Hearing(s) and (II)(A) Approving the Sale(s) Free and Clear of Liens, Claims, Interests and Encumbrances and (B) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases (the “Reply”), to place before the Court certain publicly available documents and information referred to in the Reply.*

2. Attached hereto as **Exhibit 1** is a true and correct copy of LedgerX LLC’s Privacy Policy, dated March 24, 2022 and in effect as of November 11, 2022, available at [https://assets-global.website-files.com/625f3cf193eb0bdbf6469cba/62681e1f5b1782599b315bdf\\_Appendix F - FTX US Derivatives - Online Privacy Policy \(Final as of 2022-03\).pdf](https://assets-global.website-files.com/625f3cf193eb0bdbf6469cba/62681e1f5b1782599b315bdf_Appendix F - FTX US Derivatives - Online Privacy Policy (Final as of 2022-03).pdf).

3. Attached hereto as **Exhibit 2** is a true and correct copy of K-DNA Financial Services LTD’s Privacy Policy, dated October 2022 and in effect as of November 11, 2022, available at [https://help-eu.ftx.com/hc/en-us/article\\_attachments/9752759908891/PRIVACY\\_POLICY\\_FTX\\_EU\\_Oct\\_2022.pdf](https://help-eu.ftx.com/hc/en-us/article_attachments/9752759908891/PRIVACY_POLICY_FTX_EU_Oct_2022.pdf).

4. Attached hereto as **Exhibit 3** is a true and correct copy of FTX Japan K.K.’s privacy policy, effective June 28, 2019 and revised on April 1, 2022, and in effect as of November 11, 2022, available at [https://support-jp.liquid.com/hc/ja/article\\_attachments/11469769466765/\\_\\_\\_\\_\\_202204.pdf](https://support-jp.liquid.com/hc/ja/article_attachments/11469769466765/_____202204.pdf).

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.

5. Attached hereto as **Exhibit 4** is an English translation of Exhibit 3, as certified by Laura Musich, Managing Editor of Lionbridge on January 7, 2023.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Quoine Pte Ltd.'s Privacy Policy and Cookies Policy, dated March 20, 2019 and in effect as of November 11, 2022, available at [https://quoine-prod.s3.amazonaws.com/uploads/policy\\_document/term\\_document/116/Liquid\\_Privacy\\_Policy\\_and\\_Cookie\\_Policy\\_\\_Global\\_\\_v2.00\\_\\_Final\\_2019.03.06\\_.pdf](https://quoine-prod.s3.amazonaws.com/uploads/policy_document/term_document/116/Liquid_Privacy_Policy_and_Cookie_Policy__Global__v2.00__Final_2019.03.06_.pdf).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in New York, New York on January 8, 2023

/s/ *Brian D. Glueckstein*  
Brian D. Glueckstein

**EXHIBIT 1**

## FTX US Derivatives Privacy Policy

Last Updated: March 24, 2022

LedgerX LLC d/b/a FTX US Derivatives (“**FTX US Derivatives**”, “**we**” or “**us**”) provides a cryptocurrency trading exchange and clearinghouse available at [derivs.ftx.us](https://derivs.ftx.us). This Privacy Policy is designed to help you understand how we collect, use, process, and share your personal information and to help you understand and exercise your privacy rights within the scope of applicable laws.

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1. **SCOPE**

This Privacy Policy applies to personal information processed by us, including on our websites, mobile applications, and other online or offline offerings. To make this Privacy Policy easier to read, our websites, mobile applications, and other offerings are collectively called “**Services**.” For more information on how we process your nonpublic personal information as a financial institution, please refer to our Financial Information Privacy Notice available at <https://derivs.ftx.us/legal>.

## 2. PERSONAL INFORMATION WE COLLECT

The categories of personal information we collect depend on how you interact with us, our Services, and the requirements of applicable law. We collect information that you provide to us, information we obtain automatically when you use our Services, and information from other sources such as third-party services and organizations, as described below.

### A. Information You Provide to Us Directly

We may collect the following personal information that you provide to us.

- **Account Creation and Maintenance.** To create an account with us and use our Services, we may collect the following information from you:
  - Identification information: First and last name, date of birth, gender, phone number, email, government identification number (including tax identification number, driver's license number and passport number), tax forms for foreign individuals, and other information necessary to verify your identity to comply with our regulatory obligations under financial or anti-money laundering laws;
  - Institutional information: If you are an institutional customer, we may collect your institution's legal name, Employer Identification number (or comparable number issued by a government), proof of legal formation and good standing (e.g. Articles of Incorporation), tax forms for foreign entities, ownership structure and/or ownership documentation, and personal identification information for all material beneficial owners;
  - Financial information: Bank account information, routing number, transaction history, trading data, transaction identifier, blockchain destination address for withdrawals, source of wealth, and/or tax identification number;
  - Transaction information: Information about the transactions you make using our Services, such as the name of the recipient and the trading amount;
  - Employment information: Your job title, office location or income; and
  - Correspondence: Information you provide to our support teams; and
  - Other Background Information: We may collect additional background information in accordance with our regulatory obligations or anti-money laundering laws.
- **Wallet.** To access some of the Services, you may need to provide us with information related to your digital asset wallet (each, a "**Wallet**"). Please note that we will not host, custody, or take possession of your private key or the contents of the Wallet.
- **Blockchain and Transfer-Related Information.** In order to engage in transfers on the Services, you will need to provide us with access to or information about your Wallet and transfers on the Platform. As you use the Services, we may collect personal information and details associated with the transfers you are involved with, such as your Wallet's public address. We may collect your payment information if transfer fees or Gas fees are imposed by the associated blockchain.

- **Your Communications with Us.** We may collect personal information, such as email address, phone number, or mailing address when you request information about our Services, register for our newsletter or loyalty program, request customer or technical support, apply for a job, or otherwise communicate with us.
- **Surveys.** We may contact you to participate in surveys. If you decide to participate, you may be asked to provide certain information which may include personal information.
- **Social Media Content.** We may offer forums, blogs, or social media pages. If you decide to provide content on these channels, you may be asked to provide certain information which may include personal information.
- **Sweepstakes or Contests.** We may collect personal information you provide for any sweepstakes or contests that we offer. In some jurisdictions, we are required to publicly share information of sweepstakes and contest winners.
- **Conferences, Trade Shows, and Other Events.** We may collect personal information from individuals when we attend conferences, trade shows, and other events.
- **Business Development and Strategic Partnerships.** We may collect personal information from individuals and third parties to assess and pursue potential business opportunities.
- **Job Applications.** We may post job openings and opportunities on our Services. If you reply to one of these postings by submitting your application, CV and/or cover letter to us, we will collect and use your information to assess your qualifications.

## **B. Information Collected Automatically**

We may collect personal information automatically when you use our Services:

- **Automatic Data Collection.** We may collect certain information automatically when you use our Services, such as your Internet protocol (IP) address, user settings, MAC address, cookie identifiers, mobile carrier, mobile advertising and other unique identifiers, browser or device information, location information (including approximate location derived from IP address), and Internet service provider. We may also automatically collect information regarding your use of our Services, such as pages that you visit before, during and after using our Services, information about the links you click, the types of content you interact with, the frequency and duration of your activities, and other information about how you use our Services.
- **Cookies, Pixel Tags/Web Beacons, and Other Technologies.** We, as well as third parties that provide content, advertising, or other functionality on our Services, may use cookies, pixel tags, local storage, and other technologies (“**Technologies**”) to automatically collect information through your use of our Services.
  - **Cookies.** Cookies are small text files placed in device browsers that store preferences and facilitate and enhance your experience.
  - **Pixel Tags/Web Beacons.** A pixel tag (also known as a web beacon) is a piece of code embedded in our Services that collects information about engagement on our Services. The use of a pixel tag allows us to record, for example, that a user has visited a particular web page or

clicked on a particular advertisement. We may also include web beacons in e-mails to understand whether messages have been opened, acted on, or forwarded.

Our uses of these Technologies fall into the following general categories:

- **Operationally Necessary.** This includes Technologies that allow you access to our Services, applications, and tools that are required to identify irregular website behavior, prevent fraudulent activity and improve security or that allow you to make use of our functionality;
- **Performance-Related.** We may use Technologies to assess the performance of our Services, including as part of our analytic practices to help us understand how individuals use our Services (see [Analytics](#) below). For example, we may track your activity on the Services, including recordings of your interactions with the Services;
- **Functionality-Related.** We may use Technologies that allow us to offer you enhanced functionality when accessing or using our Services. This may include identifying you when you sign into our Services or keeping track of your specified preferences, interests, or past items viewed;
- **Advertising- or Targeting-Related.** We may use first party or third-party Technologies to deliver content, including ads relevant to your interests, on our Services or on third-party websites.

See [“Your Privacy Choices and Rights”](#) below to understand your choices regarding these Technologies.

- **Analytics.** We may use Technologies and other third-party tools to process analytics information on our Services. Some of our analytics partners include:
  - **Google Analytics.** For more information, please visit [Google Analytics’ Privacy Policy](#). To learn more about how to opt-out of Google Analytics’ use of your information, please click [here](#).
  - **Plaid.** We may use Plaid Technologies, Inc. (“**Plaid**”), as a vendor to collect information about you, and you acknowledge and agree that the terms and conditions of Plaid’s privacy policy (found here: <https://plaid.com/legal/#privacy-policy>) will govern Plaid’s use of such information, and that you expressly agree to the terms and conditions of Plaid’s privacy policy. You hereby expressly grant Plaid the right, power, and authority to access and transmit your information as reasonably necessary for Plaid to provide its services to you in connection with your use of the Services.
  - **FullStory.** We use FullStory for recording your interactions with our Services which helps us deliver a better user experience. For more information on the privacy practices of FullStory, please visit <https://www.fullstory.com/legal/privacy/>.
  - **VWO.** We may use VWO, offered by Wingify Software Pvt. Ltd. (“**Wingify**”), to run A/B tests on our Services and deliver a better user experience. For more information on the privacy practices of Wingify, please visit <https://vwo.com/privacy-policy/>.
- **Social Media Platforms.** Our Services may contain social media buttons such as Discord, Twitter, Instagram, Facebook, and LinkedIn (that might include widgets such as the “share this” button or other interactive mini programs). These features may collect your IP address, which page you are



visiting on our Services, and may set a cookie to enable the feature to function properly. Your interactions with these platforms are governed by the privacy policy of the company providing it.

### **C. Information Collected from Other Sources**

We may obtain information about you from other sources, including through third-party services and organizations. For example, if you access our Services through a third-party application, such as an app store, a third-party login service, or a social networking site, we may collect information about you from that third-party application that you have made available via your privacy settings.

## **3. HOW WE USE YOUR INFORMATION**

We use your information for a variety of business purposes, including to provide our Services, for administrative purposes, and to market our products and Services, as described below.

### **A. Provide Our Services**

We use your information to fulfill our contract with you and provide you with our Services, such as:

- Managing your information and accounts;
- Providing access to certain areas, functionalities, and features of our Services;
- Answering requests for customer or technical support;
- Communicating with you about your account, activities on our Services, and policy changes;
- Processing applications if you apply for a job we post on our Services; and
- Allowing you to register for events.

### **B. Administrative Purposes**

We use your information for various administrative purposes, such as:

- Pursuing our legitimate interests such as direct marketing, research and development (including marketing research), network and information security, and fraud prevention;
- Detecting security incidents, protecting against malicious, deceptive, fraudulent or illegal activity, and prosecuting those responsible for that activity;
- Measuring interest and engagement in our Services;
- Short-term, transient use, such as contextual customization of ads;
- Improving, upgrading or enhancing our Services;
- Developing new products and Services;
- Ensuring internal quality control and safety;
- Authenticating and verifying individual identities, including requests to exercise your rights under this policy;
- Debugging to identify and repair errors with our Services;
- Auditing relating to interactions, transactions and other compliance activities;
- Enforcing our agreements and policies; and
- Complying with our legal obligations.

### **C. Marketing and Advertising our Products and Services**

We may use personal information to tailor and provide you with content and advertisements. We may provide you with these materials as permitted by applicable law.

Some of the ways we market to you include email campaigns, custom audiences advertising.

If you have any questions about our marketing practices, you may contact us at any time as set forth in [“Contact Us”](#) below.

#### **D. Other Purposes**

We also use your information for other purposes as requested by you or as permitted by applicable law.

- **Consent.** We may use personal information for other purposes that are clearly disclosed to you at the time you provide personal information or with your consent.
- **Blockchain Data:** We may analyze public blockchain data to ensure parties utilizing our Services are not engaged in illegal or prohibited activity under our Terms of Service, and to analyze transaction trends for research and development purposes.
- **De-identified and Aggregated Information.** We may use personal information and other information about you to create de-identified and/or aggregated information, such as de-identified demographic information, information about the device from which you access our Services, or other analyses we create.
- **Share Content with Friends or Colleagues.** Our Services may offer various tools and functionalities. For example, we may allow you to provide information about your friends through our referral services. Our referral services may allow you to forward or share certain content with a friend or colleague, such as an email inviting your friend to use our Services. Please only share with us contact information of people with whom you have a relationship (e.g., relative, friend neighbor, or co-worker)

#### **E. Automated profiling**

We may use technologies considered automated decision making or profiling. We will not make automated decisions about you that would significantly affect you, unless such a decision is necessary as part of a contract we have with you, we have your consent, or we are permitted by law to use such technology. You may escalate any concerns you have by contacting us below.

### **4. HOW WE DISCLOSE YOUR INFORMATION**

We disclose your information to third parties for a variety of business purposes, including to provide our Services, to protect us or others, or in the event of a major business transaction such as a merger, sale, or asset transfer, as described below.

#### **A. Disclosures to Provide our Services**

The categories of third parties with whom we may share your information are described below.

- **Collaborations and Influencers.** We may share your information with other collaborators, influencers, and charities.
- **Service Providers.** We may share your personal information with our third-party service providers who use that information to help us provide our Services. This includes, but is not limited to, service providers that provide us with background checks or identity verification, data analysis, and business

intelligence; marketing support services providers; consumer research service providers; IT and related services; banks and trust companies; information and services; payment processors; customer service providers; and vendors to support the provision of the Services, such as infrastructure and cloud service providers.

- **Business Partners.** We may provide personal information to business partners with whom we jointly offer products or services. In such cases, our business partner's name will appear along with ours.
- **Affiliates.** We may share your personal information with members of our corporate family ("Affiliates").
- **Advertising Partners.** We may share your personal information with third-party advertising partners. These third-party advertising partners may set Technologies and other tracking tools on our Services to collect information regarding your activities and your device (e.g., your IP address, cookie identifiers, page(s) visited, location, time of day). These advertising partners may use this information (and similar information collected from other services) for purposes of delivering personalized advertisements to you when you visit digital properties within their networks. This practice is commonly referred to as "interest-based advertising" or "personalized advertising."
- **APIs/SDKs.** We may use third-party Application Program Interfaces ("APIs") and Software Development Kits ("SDKs") as part of the functionality of our Services. For more information about our use of APIs and SDKs, please contact us as set forth in "[Contact Us](#)" below.

#### **B. Disclosures to Protect Us or Others**

We may access, preserve, and disclose any information we store associated with you to external parties if we, in good faith, believe doing so is required or appropriate to: comply with law enforcement or national security requests and legal process, such as a court order or subpoena; comply with requirements or requests of the U.S. Commodity Futures Trading Commission or the U.S. Securities and Exchange Commission; comply with regulatory compliance obligations; protect your, our, or others' rights, property, or safety; enforce our policies or contracts; collect amounts owed to us; or assist with an investigation or prosecution of suspected or actual illegal activity.

#### **C. Disclosure in the Event of Merger, Sale, or Other Asset Transfers**

If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, purchase or sale of assets, or transition of service to another provider, your information may be sold or transferred as part of such a transaction, as permitted by law and/or contract.

### **5. YOUR PRIVACY CHOICES AND RIGHTS**

**Your Privacy Choices.** The privacy choices you may have about your personal information are determined by applicable law and are described below.

- **Email and Telephone Communications.** If you receive an unwanted email from us, you can use the unsubscribe link found at the bottom of the email to opt out of receiving future emails. Note that you will continue to receive transaction-related emails regarding products or Services you have requested. We may also send you certain non-promotional communications regarding us and our Services, and you will not be able to opt out of those communications (e.g., communications regarding our Services or updates to our Terms of Service or this Privacy Policy, or regulatory compliance related communications).

We process requests to be placed on do-not-mail, do-not-phone, and do-not-contact lists as required by applicable law.

- **“Do Not Track.”** Do Not Track (“DNT”) is a privacy preference that users can set in certain web browsers. Please note that we do not respond to or honor DNT signals or similar mechanisms transmitted by web browsers.
- **Cookies and Interest-Based Advertising.** You may stop or restrict the placement of Technologies on your device or remove them by adjusting your preferences as your browser or device permits. However, if you adjust your preferences, our Services may not work properly. Please note that cookie-based opt-outs are not effective on mobile applications. However, you may opt-out of personalized advertisements on some mobile applications by following the instructions for [Android](#), [iOS](#) and [others](#).

The online advertising industry also provides websites from which you may opt out of receiving targeted ads from data partners and other advertising partners that participate in self-regulatory programs. You can access these and learn more about targeted advertising and consumer choice and privacy by visiting the [Network Advertising Initiative](#), [the Digital Advertising Alliance](#), [the European Digital Advertising Alliance](#), and [the Digital Advertising Alliance of Canada](#).

Please note you must separately opt out in each browser and on each device.

**Your Privacy Rights.** In accordance with applicable law, you may have the right to:

- **Access Personal Information** about you, including: (i) confirming whether we are processing your personal information; (ii) obtaining access to or a copy of your personal information in a structured, commonly used, and machine readable format; and (iii) receiving an electronic copy of personal information that you have provided to us, or asking us to send that information to another company in a structured, commonly used, and machine readable format (the “right of data portability”);
- **Request Correction** of your personal information where it is inaccurate or incomplete. In some cases, we may provide self-service tools that enable you to update your personal information;
- **Request Deletion** of your personal information;
- **Request Restriction of or Object to** our processing of your personal information; and
- **Withdraw your Consent** to our processing of your personal information.

If you would like to exercise any of these rights, please contact us as set forth in “[Contact Us](#)” below. We will process such requests in accordance with applicable laws. To protect your privacy, we will take steps to verify your identity before fulfilling your request. Depending on the context of your request, such as deletion, we may not be able to provide you with access to some or all of our Services, since we process your information in order to provide you with such access.

## 6. SECURITY OF YOUR INFORMATION

We take steps to ensure that your information is treated securely and in accordance with this Privacy Policy. All information you provide to us is stored on secure servers belonging to us or industry-leading third-party vendors. We have implemented procedures to safeguard customer Personal Information. We restrict access to Personal Information to those employees who need to know that information in order to provide our

products or services to you. We maintain physical, electronic and procedural safeguards to safeguard Personal Information. We protect customer account information by keeping it on the secure portion of our website, using firewalls and other security technology to protect our network and systems from external attacks, and by requiring customers to enter a unique user ID and password to access our systems. We conduct periodic internal audits of our business practices and procedures, examining our confidentiality standards and information access, in order to best protect our customers' Personal Information.

Unfortunately, no system is 100% secure, and we cannot ensure or warrant the security of any information you provide to us. We have taken appropriate safeguards to require that your personal information will remain protected and require our third-party service providers and partners to have appropriate safeguards as well. To the fullest extent permitted by applicable law, we do not accept liability for unauthorized disclosure.

By using our Services or providing personal information to us, you agree that we may communicate with you electronically regarding security, privacy, and administrative issues relating to your use of our Services. If we learn of a security system's breach, we may attempt to notify you electronically by posting a notice on our Services, by mail or by sending an email to you.

## **7. INTERNATIONAL DATA TRANSFERS**

All information processed by us may be transferred, processed, and stored anywhere in the world, including, but not limited to, the United States or other countries, which may have data protection laws that are different from the laws where you live. We endeavor to safeguard your information consistent with the requirements of applicable laws.

If we transfer personal information to countries outside the European Economic Area, we will put in place appropriate safeguards to ensure that this transfer complies with the applicable laws and regulations. For more information about these safeguards, please contact us as set forth below.

## **8. RETENTION OF PERSONAL INFORMATION**

We store the personal information we collect as described in this Privacy Policy for as long as you use our Services or as necessary to fulfill the purpose(s) for which it was collected, provide our Services, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and comply with applicable laws and our regulatory compliance obligations as determined by us or our regulators in our or their sole discretion.

We may also retain aggregate information beyond this time for research purposes and to help us develop and improve our services. You cannot be identified from aggregate information retained or used for these purposes.

## **9. SUPPLEMENTAL NOTICE FOR CALIFORNIA RESIDENTS**

This Supplemental California Privacy Notice only applies to our processing of personal information that is subject to the California Consumer Privacy Act of 2018 ("CCPA"). The CCPA provides California residents with the right to know what categories of personal information FTX US Derivatives has collected about them and whether FTX US Derivatives disclosed that personal information for a business purpose (e.g., to a service provider) in the preceding 12 months. California residents can find this information below:

Category of Personal Information Collected by FTX US Derivatives	Category of Third Parties Information is Disclosed to for a Business Purpose
<b>Identifiers.</b> A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, user name, Social Security number, or other similar identifiers.	<ul style="list-style-type: none"> <li>• Internet service providers</li> <li>• Data analytics providers</li> <li>• Government entities</li> <li>• Operating systems and platforms</li> <li>• Blockchain networks</li> <li>• Social networks</li> <li>• Service providers</li> <li>• Other users</li> <li>• Affiliates</li> </ul>
<b>Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e))</b> A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information. Personal Information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records. Note: Some personal information included in this category may overlap with other categories.	<ul style="list-style-type: none"> <li>• Government entities</li> <li>• Service providers</li> <li>• Affiliates</li> </ul>
<b>Commercial information</b> Transactions, transaction history, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	<ul style="list-style-type: none"> <li>• Service providers</li> <li>• Blockchain networks</li> <li>• Other users</li> <li>• Affiliates</li> </ul>
<b>Internet or other electronic network activity</b> Browsing history, search history, information on a consumer's interaction with an internet website, application, or advertisement.	<ul style="list-style-type: none"> <li>• Advertising partners</li> <li>• Data analytics providers</li> <li>• Service providers</li> <li>• Affiliates</li> </ul>

The categories of sources from which we collect personal information and our business and commercial purposes for using personal information are set forth in “[Personal Information We Collect](#)” and “[How We Use Your Personal Information](#)” above, respectively.

#### Disclosures of Personal Information under the CCPA

FTX US Derivatives does not sell personal information. However, if you elect to do so, we may disclose your information to our partners. To the extent that such disclosure is, for legal purposes, deemed to be a “sale” under the CCPA, you may opt-out of having your information disclosed by not opting in to disclose your information, disabling third-party cookies on your device, or by contacting us as set forth in “[Contact Us](#)” below.

**Opt-out.** California residents may opt-out of the disclosure of their personal information to our partners by contacting us as set forth in “[Contact Us](#)” below.

### **Additional Privacy Rights for California Residents**

**Non-Discrimination.** California residents have the right not to receive discriminatory treatment by us for the exercise of their rights conferred by the CCPA.

**Authorized Agent.** Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child. To designate an authorized agent, please contact us as set forth in “[Contact Us](#)” below and provide written authorization signed by you and your designated agent.

**Verification.** To protect your privacy, we will take steps the following steps to verify your identity before fulfilling your request. When you make a request, we will ask you to provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative, which may include asking you to answer questions regarding your account and use of our Services.

If you are a California resident and would like to exercise any of your rights under the CCPA, please contact us as set forth in “[Contact Us](#)” below. We will process such requests in accordance with applicable laws.

**Accessibility.** This Privacy Policy uses industry-standard technologies and was developed in line with the World Wide Web Consortium’s Web Content Accessibility Guidelines, version 2.1. If you wish to print this policy, please do so from your web browser or by saving the page as a PDF.

## **10. SUPPLEMENTAL NOTICE FOR NEVADA RESIDENTS**

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Information to third parties who intend to license or sell that Personal Information. You can exercise this right by contacting us at [privacy.derivs@ftx.us](mailto:privacy.derivs@ftx.us) with the subject line “Nevada Do Not Sell Request” and providing us with your name and the email address associated with your account. Please note that we do not currently sell your Personal Information as sales are defined in Nevada Revised Statutes Chapter 603A. If you have any questions, please contact us as set forth below.

## **11. SUPPLEMENTAL NOTICE FOR EU RESIDENTS**

The data that we process in relation to you may be transferred to, and stored at, a destination outside the European Economic Area (“EEA”) that may not be subject to equivalent data protection law. It may also be processed by staff situated outside the EEA who work for us or for one of our suppliers.

We may transfer your personal information outside the EEA:

- In order to store it;
- In order to enable us to provide goods or services to and fulfill our contract with you or the company you work for. This includes order fulfillment, processing of payment details, and the provision of support services;
- Where we are legally required to do so; or
- In order to facilitate the operation of our group of businesses, where it is in our legitimate interests; and we have concluded these are not overridden by your rights.

Where your information is transferred outside the EEA, we will take all steps reasonably necessary to ensure that your data is subject to appropriate safeguards, such as relying on a recognized legal adequacy mechanism, and that it is treated securely and in accordance with this Privacy Policy.

We may transfer your personal information to:

- Any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries; or
- Our vendors;

and for these transfers we use European Commission approved contractual clauses for transfers (referred to as “Model Clauses”).

### **Your Data Subject Rights**

You have the right under certain circumstances:

- to receive information about the processing of Personal Information concerning you. You are entitled
- to access your Personal Information
- to request the rectification or erasure of your Personal Information held by us
- to object to the further processing of your Personal Information, including the right to object to marketing
- to request that your provided Personal Information be moved to a third party.

Depending on the context of your request, such as erasure, we may not be able to provide you with access to some or all of the Services, since we process your information in order to provide you with such access.

#### *Your right to withdraw consent:*

Where the processing of your Personal Information by us is based on consent, you have the right to withdraw that consent at any time by contacting us as described in “[Contact Us](#)” below.

#### *How to exercise your rights*

You can also exercise the rights listed above at any time by contacting us at [privacy.derivs@ftx.us](mailto:privacy.derivs@ftx.us)

If your request or concern is not satisfactorily resolved by us, you may approach your local data protection authority (to your habitual residence, your place of work, or where the alleged infringement took place).

## **12. CHILDREN’S INFORMATION**

The Services are not directed to children under 13 (or other age as required by local law), and we do not knowingly collect personal information from children.



If you are a parent or guardian and believe your child has uploaded personal information to our site without your consent, you may contact us as described in “[Contact Us](#)” below. If we become aware that a child has provided us with personal information in violation of applicable law, we will delete any personal information we have collected, unless we have a legal obligation to keep it, and terminate the child’s account if applicable.

### **13. OTHER PROVISIONS**

**Third-Party Websites/Applications.** The Services may contain links to other websites/applications and other websites/applications may reference or link to our Services. These third-party services are not controlled by us. We encourage our users to read the privacy policies of each website and application with which they interact. We do not endorse, screen or approve, and are not responsible for, the privacy practices or content of such other websites or applications. Providing personal information to third-party websites or applications is at your own risk.

**Supervisory Authority.** If you are located in the European Economic Area, Switzerland, the United Kingdom or Brazil, you have the right to approach your local data protection authority if you have concerns about our processing of your personal information and such concerns are not satisfactorily resolved by us.

**Notification of Policy, and Changes to our Privacy Policy.** We provide an initial notice of this Privacy Policy to customers at the time we establish a customer relationship, and at least annually thereafter, and the Privacy Policy is dated and posted on its website. We may revise this Privacy Policy from time to time in our sole discretion. If there are any material changes to this Privacy Policy, we will notify you as required by applicable law. You understand and agree that you will be deemed to have accepted the updated Privacy Policy if you continue to use our Services after the new Privacy Policy takes effect. Updates will be posted on the website, so our customers will always know what information we collect, how we use it, and what choices they have.

### **14. CONTACT US**

If you have any questions about our privacy practices or this Privacy Policy, or to exercise your rights as detailed in this Privacy Policy, please contact us at:

**LedgerX LLC d/b/a FTX US Derivatives**  
**Address: 1110 Brickell Ave, Suite 430k-200**  
**Miami, FL 33131**  
**Attn: Legal**

**Email: [privacy.derivs@ftx.us](mailto:privacy.derivs@ftx.us)**

**EXHIBIT 2**



## **PRIVACY POLICY**

**October 2022**

**FTX EU** is a brand name of K-DNA Financial Services Ltd, a company authorized and regulated by the Cyprus Securities and Exchange Commission (license no. 273/15) with Registered Office at 23 Spyrou Kyprianou Protopapas Building 3rd floor 4001, Limassol, Cyprus



**FTX EU** is a brand name owned and operated by K-DNA Financial Services LTD (hereinafter referred to as the “**Company**” and/or “FTX”, and/or “K-DNA” and/or “us” and/or “we”), a company incorporated in Cyprus with registration number HE 335683 and located at 23 Spyrou Kyprianou Protopapas Building 3rd floor 4001, Limassol, Cyprus,

The EU General Data Protection Regulation (“GDPR”) came into force across the European Union on 25th May 2018 and brought with it the most significant changes to data protection law in two decades. Based on privacy by design and taking a risk-based approach, the GDPR has been designed to meet the requirements of the digital age.

The 21st Century brings with it a broader use of technology, new definitions of what constitutes personal data, and a vast increase in cross-border processing. The new Regulation aims to standardise data protection laws and processing across the EU; affording individuals stronger, more consistent rights to access and control their personal information.

## **Purpose**

Our Privacy Policy below describes in detail how we use your personal data, how it is collected, how it is stored & how it is processed. It also explains your protection of all confidential Client’s information. The Company acts as a controller of your personal data under GDPR, which means that it determines solely or jointly with others, the purposes and means of the processing of your personal data.

## **Our Commitment to You**

We understand the importance of ensuring the security and protection of the personal information that we process, and we are committed to provide a compliant and consistent approach to data protection. We have an effective data protection program in place which complies with existing law and abides by the data protection principles. The Company recognizes its obligations in updating and expanding this program to meet the demands of the GDPR and the Protection of Natural Persons Against the Processing of Personal Data and the Free Circulation of Data Law of 2018 (L.125(I)/2018). Therefore, K-DNA is committed to protect the privacy of all personal data which is obtained from you, including the data we obtain during your visits to the Company’s websites.

K-DNA handles, retains and processes your data only insofar as this is in accordance with the applicable legal requirements and only to the extent it is necessary for the achievement of the purposes set out herein.

The Company, our associates, any members, agents and/or sub-contractors which we engage or work through for the purpose of collecting, storing and processing Personal Data and any third parties acting on our behalf, may collect, process, use and store Personal Data provided by you for the purposes of carrying out transactions, and/or other services, operational support and development of our or their business.

This Privacy Policy concerns natural persons who are current or potential customers of the

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Company or act as authorised representatives of legal entities or natural persons which/ who are current or potential customers of the Company or are the directors or beneficial owners of legal entities who are current or potential customers of the Company (hereinafter “you or your”). This Privacy Policy concerns also natural persons who had such business relationships with the Company in the past.

## **Legal basis for the processing of your Personal Data**

The protection of your privacy and personal information is of great importance to us. Your personal data is processed lawfully, fairly and in a transparent manner on the following bases:

### ***For the performance of a contract***

The processing of your personal data is necessary for the performance of a contract, namely the client agreements for the performance of investment services to which you are party, or in order to take steps at your request prior to entering into an agreement. In order to be able to render investment services to you and administer our relationship, we need to collect certain information about your identity, financial background and investment objectives.

### ***For compliance with a legal obligation***

The processing of your personal data is necessary for compliance with the legal obligations emanating from a number of laws to which K-DNA Financial Services Ltd is subject, e.g. the European Markets in Financial Instruments Directive II (‘MiFID II’) and the corresponding Investment Services and Activities and Regulated Markets Law of the Republic of Cyprus L.87(I)/2017, the European and Cyprus legislation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, the Common Reporting Standard (‘CRS’), the Market Abuse Regulation (‘MAR’), and the Foreign Account Tax Compliance Act (FATCA) inter alia. Compliance with these legal obligations requires, inter alia, identity verification

procedures and processes, anti-money laundering controls, the retention of personal data for a certain period of time, the disclosure of personal data to the supervisory and other regulatory and public authorities.

### ***For the purposes of the legitimate interests pursued by K-DNA***

The processing of your personal data is necessary for the purposes of the legitimate interests pursued by K-DNA, where those interests do not infringe your interests, fundamental rights and freedoms. These legitimate interests include business or commercial interests and examples of relevant processing activities include: preparing our defense in litigation procedures; preventing fraud and money laundering activities; managing business and further developing and marketing of products and services.

### **Collection of Personal Data**

If you decide to apply to open an account or a demo account with us (or in any other circumstances that is deemed necessary in the course of our business relationship) and hence enter into a contract with us by becoming our Client, you will have a statutory and contractual obligation to provide and keep up to date and accurate the personal data set out in this Privacy Policy We are required to collect, process and retain these personal data in accordance with the

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mandatory legal requirements. Failure to provide such data will not allow us to commence or continue our business relationship, as compliance with our legal obligations will be deemed impossible.

## **What kind of personal information/data do we collect and store?**

As part of our business, we collect, process and retain personal data from customers and potential customers that include, but not limited to the following:

- Personal information such as First name, last name, date of birth, residential address, Passport and/or ID Card number, Citizenship, nationality;
- Contact details such as email address, telephone number;
- Financial information such as annual income, Income source, net worth, source of wealth, bank account details and investment objectives;
- FATCA/ CRS information (tax residency, tax identification number);
- Information on whether you hold/held a prominent public function (for PEPs);
- Profession and employment details;
- Trading knowledge and experience, risk tolerance and risk profile;
- Information from documents that you provide to us to verify your identity, residency and financial status, such as your passport, utility bills, bank statements etc;
- Payment Details including credits cards/ debit cards, bank account details, e-wallets etc.

In order to provide our products and services, we may collect your information through several different sources, including but not limited to:

- Website and forms;
- Website Live Chat;
- CRM system;
- Via Phone;
- Via Email;
- Other Third Party Processors;
- Third Party Service Providers, for example: credit reference agencies, fraud prevention agencies, banks, other financial institutions, third authentication service providers and the providers of public registers.
- Existing Clients;
- Partners, Employees

## **Use of the Information**

FTX collects and processes personal information about you, which is necessary in order to provide you with its services, as listed further below in this Policy. This includes information about you when you complete an online application or another type of form and when you access and trade through your FTX account. Additionally, we may also obtain personal information as a result of authentication or identity checks, including checks with credit

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reference agencies (who may keep a record of the information) to prevent fraud.

FTX may also derive information from your use of our websites and software client and may store this information with your personal profile. This information may include site areas visited, pages viewed, frequency and duration of visits, Internet Protocol (IP) address, computer identification parameters, types of transactions conducted, documents downloaded, mouse clicks, mouse movements, scrolling activity as well as text you type in this website and which website referred you to ours or to which websites you link.

If the clients do not want to receive information of this nature for any reason, they can contact the Company at the following email [euprivacy@ftx.com](mailto:euprivacy@ftx.com)

## **Processing of personal information**

Any personal information is treated as confidential and may be shared only within the Company, by its employees and affiliates who need it in order to perform their responsibilities, as permitted by the applicable law and will not be used for any purpose other than in connection with the provision, administration and improvement of our Services to you or the furthering of our Agreement between us, establishing and maintaining your account or a relationship between us, reviewing your ongoing needs, enhancing customer service and products, giving you ongoing information or opportunities that we believe may be relevant to you, improving our relationship, anti-money laundering and due diligence checks, for research and statistical purposes and for marketing purposes (according to the Agreement between us), as applicable. Those with access to personal information are obligated to comply with strict standards of confidentiality when managing personal and other data.

The information may be disclosed to third parties, such as the Company Partners and Affiliates for the purposes stated above only. Our Company Partners, Affiliates, and Business Introducers maintain the privacy of your information to the same extent the Company does in accordance with this policy.

Information may also be provided to non-affiliated companies, providing professional, legal, and accounting services. Non-affiliated companies that assist the Company in providing services to you are required to maintain the confidentiality of such information and to use your personal information only in the course of providing such services for the purposes that the Company dictates and within the ambit of the applicable law.

### **Such cases are:**

- a) Where required by law or a court order by a competent Court; in case such disclosure is required to be made by law or any regulatory authority, it will be made on a 'need-to-know' basis, unless otherwise instructed by the regulatory authority;
- b) Where requested by CySEC or any other regulatory authority having control or jurisdiction over the Company or the Client or their associates or in whose territory the Company has Clients;
- c) To relevant authorities to investigate or prevent fraud, money laundering or other illegal activity;
- d) To such an extent as reasonably required so as to execute Orders and for purposes ancillary to the provision of the Services;
- e) To credit reference and fraud prevention agencies, third authentication service providers,



banks and other financial institutions for credit checking, fraud prevention, anti-money laundering purposes, identification or due diligence checks of the Client. To do so they may check the details the Client supplied against any particulars on any database (public or otherwise) to which they have access. They may also use Client details in the future to assist other companies for verification purposes. A record of the search will be retained by the Company;

- f) To the Company's professional advisors provided that in each case the relevant professional shall be informed about the confidential nature of such information and commit to the confidentiality herein obligations as well;
- g) To other service providers who create, maintain or process databases (whether electronic or not), offer record keeping services, email transmission services, messaging services or similar services which aim to assist the Company collect, storage, process and use Client information or get in touch with the Client or improve the provision of the Services under this Agreement;
- h) To third parties engaging with the Company to help carry out certain internal functions such as account processing, fulfillment, client service, or other data collection activities relevant to the Company's business;
- i) To credit reporting or collection agencies as reasonably required in order to provide the services to Company and/ or its clients;
- j) To a Trade Repository or similar under the Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties (CCPs) and trade repositories (TRs)(EMIR);
- k) To other service providers for statistical purposes in order to improve the Company's marketing, in such a case the data will be provided in an aggregate form;
- l) To market research call centers that provide telephone or electronic mail (e-mail) surveys with the purpose to improve the services of the Company, in such a case only the contact details data will be provided;
- m) Where necessary in order for the Company to defend or exercise its legal rights to any court or tribunal or arbitrator or Ombudsman or governmental authority;
- n) At the Client's request or with the Client's consent;
- o) To permitted successors or assignees or transferees or buyers, with fifteen (15) Business Days prior written notice to the Client;
- p) Client Information is disclosed in relation to US taxpayers to the Inland Revenue in the Republic of Cyprus, which will in turn report this information to the Internal Revenue Service (IRS) of the U.S. according to the Foreign Account Tax Compliance Act (FATCA) of the USA and the relevant intergovernmental agreement between the Republic of Cyprus and the U.S.

Client information is disclosed in compliance with the common reporting standard (CRS) for the automatic exchange of financial account information developed by the Global Forum of the Organization for Economic Co-Operation and Development (OECD); in the cases where your tax residence is located outside Cyprus, the Company may be legally obliged to pass on the information and other financial information with respect to your financial accounts to Cyprus tax authorities and they may exchange this information with tax authorities of another jurisdiction or jurisdictions pursuant to intergovernmental agreements to exchange financial account information. Under such circumstances, the Company shall expressly inform the third party regarding the confidential nature of the information.





Use of the shared information is strictly limited to the performance of the above and is not permitted for any other purpose. All third parties with which the Company shares personal information are required to protect such personal information in accordance with all relevant legislation and in a manner similar to the way the Company protects the same. The Company will not share personal information with third parties which it considers will not provide its clients the required level of protection.

In cases where clients have been introduced by a Business Introducer, such Business Introducer may have access to clients' information. Hence, clients hereby consent to the sharing of information with such Business Introducer.

### **Security and Safeguard measures of Personal Information**

We have implemented appropriate technical and organisational measures to ensure appropriate security of your personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage. We have secure servers that your personal information is stored in. We limit access of your Information only to those employees or partners that need to know the information in order to enable the carrying out of the agreement between us. We use computer safeguards such as firewalls and data encryption. We also enforce physical access controls to our buildings and files to keep this data safe. We have procedures in place regarding how to safeguard and use your Information, for example by requesting our affiliates and employees to maintain the confidentiality of your Information. When we consider that the personal information is no longer needed, we will remove any details that will identify you and we will securely destroy the records.

We take reasonable steps to ensure that your personal data that we process are accurate and, where necessary, kept up to date. From time to time we may ask you to confirm the accuracy of your personal data. We take every reasonable step to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay. We also make sure that all personal data we collect are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

Period for which your personal data will be stored

We will keep your personal data for the duration of our business relationship and for five (5) years after the termination of our business relationship, unless otherwise requested by a competent authority, in line with the provisions of the applicable European and Cyprus legislation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, the Markets in Financial Instruments Directive II ('MiFID II') and the corresponding Investment Services and Activities and Regulated Markets Law L.87(I)/2017 of the Republic of Cyprus. We may keep your data for longer if we cannot delete it for legal or regulatory reasons. In particular, the retention of data is not limited in time in the case of pending legal proceedings or an investigation initiated by a public authority, provided that in each case the Company has been informed of the pending legal proceedings or the investigation initiated by a public authority within the retention period described hereinabove.

### **Recording of Telephone Conversations and Electronic Communications**

Telephone conversations and electronic communications between the client and the Company will be recorded and kept by the Company for the duration of our business relationship and



for five (5) years after the termination of our business relationship, unless otherwise requested by a competent authority. The Client accepts such recordings as conclusive evidence of conversations so recorded. Such recordings shall be provided to the client upon request.

### **Cookies, Pixel Tags/Web Beacons, Analytics Information, and Interest-Based Advertising technologies.**

We, as well as third parties that provide content, advertising, or other functionality on the Services, may use cookies, pixel tags, local storage, and other technologies (“Technologies”) to automatically collect information through the Services.

Technologies are essentially small data files placed on your computer, tablet, mobile phone, or other devices that allow us and our partners to record certain pieces of information whenever you visit or interact with our Services.

Cookies are small text files placed in visitors’ computer browsers to store their preferences. Most browsers allow you to block and delete cookies. However, if you do that, the Services may not work properly.

### **Pixel Tags/Web Beacons.**

A pixel tag (also known as a web beacon) is a piece of code embedded in the Services that collects information about users’ engagement on that web page. The use of a pixel allows us to record, for example, that a user has visited a particular web page or clicked on a particular advertisement.

### **Analytics and Financial Data.**

We may also use Google Analytics and other service providers to collect information regarding visitor behavior and visitor demographics on our Services. For more information about Google Analytics, please visit <http://www.google.com/policies/privacy/partners/>. You can opt out of Google’s collection and processing of data generated by your use of the Services by going to <http://tools.google.com/dlpage/gaoptout>. We may use Plaid Technologies, Inc. (“Plaid”), as a vendor to collect information about you, and you acknowledge and agree that the terms and conditions of Plaid’s privacy policy (found here: <https://plaid.com/legal/#privacy-policy>) will govern Plaid’s use of such information, and that you expressly agree to the terms and conditions of Plaid’s privacy policy. You hereby expressly grant Plaid the right, power, and authority to access and transmit your information as reasonably necessary for Plaid to provide its services to you in connection with your use of the Platform.

**Information from Other Sources.** We may obtain information about you from other sources, including through third party services and organizations to supplement information provided by you. For example, if you access our Services through a third-party application, such as an app store, a third-party login service, or a social networking site, we may collect information about you from that third-party application that you have made public via your privacy settings. Information we collect through these services may include your name, your user identification number, your user name, location, gender, birth date, email, profile picture,



and your contacts stored in that service. This supplemental information allows us to verify information that you have provided to us and to enhance our ability to provide you with information about our business, products, and Services. “

## Contacting You

We may, for the purpose of administering the terms of our Agreement between us, from time to time, make direct contact with you by telephone, fax, email, or post. If you agree, we or any of our Affiliates of the Company or any other company in our group, may make contact with you from time to time, by telephone, fax, email or post for marketing purposes to bring to your attention products or services that may be of interest to you or to conduct market research.

Clients consent to the receipt of such contact when they consent to our terms and conditions of use when registering with the Company. Any person wishing to opt out of further contact with the Company at any time whatsoever is entitled to do so, simply by contacting the Company by email at [euprivacy@ftx.com](mailto:euprivacy@ftx.com) and requesting that no further contact on behalf of the Company be made.

## Change of Information

You may inform the Company at any time that Your Information has changed or that you wish the Company to delete information we hold about you by emailing us at [euprivacy@ftx.com](mailto:euprivacy@ftx.com). We will change or delete Your Information in accordance to your instructions, except to the extent that we are required to hold Your Information for regulatory or legal purposes, to provide you with the Services you have requested or to maintain adequate business records.

## Right of Access

Under the Processing of Personal Data (Protection of the Individual) Law of 2001, as amended or replaced from time to time, you as a natural person have the right to obtain a copy of any personal information which we hold about you and to advise us of any perceived inaccuracy. To make a request, please contact us, verifying your identity and specifying what information you require. We may charge an administrative fee. You may contact us via e-mail at [euprivacy@ftx.com](mailto:euprivacy@ftx.com).

## Hosting

We host our website with AWS. The provider is Amazon Web Services EMEA SARL, 38 Avenue John F. Kennedy, 1855 Luxembourg (hereinafter: AWS).

When you visit our website, your personal data is processed on the servers of AWS. In the process, personal data may also be transmitted to the parent company of AWS in the USA. The data transfer to the USA is based on the EU standard contractual clauses.

Details can be found here:

<https://aws.amazon.com/de/blogs/security/aws-gdpr-data-processing-addendum/>.

For more information, please see [AWS's privacy policy](#).

## Data transfer outside the EU/EEA

As a rule, customer data is processed within the European Union/European Economic Area (EU/EEA), but in some cases it is transferred to and processed in countries outside the EU/EEA. The transfer and processing of customer data outside the EU/EEA may take place, provided

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that appropriate safeguards are in place and the measures are based only on a legal basis. Upon request, the customer may receive further information about the transfer of customer data to countries outside the EU/EEA.

### **Automated decision making**

If FTX has made a decision about a customer based solely on an automated process (e.g., through automated profiling) that affects the customer's ability to use the services offered or has some other significant effect on the customer, the customer may ask not to be made the subject of such decision unless FTX can demonstrate to the customer that such decision is necessary for the conclusion or performance of a contract between it and the customer. Even if a decision is necessary for the conclusion or fulfillment of obligations arising from the customer relationship, the customer may challenge the decision and request human intervention. Automatic decisions made by the data processing system without the participation of the customer are permitted only under the conditions and in accordance with the procedures prescribed by law.

### **Restricted responsibility**

K-DNA is not responsible for third party websites which are linked to <https://ftx.com/eu> and has no control of the use or the protection of the information. Each time that a client is required to provide information for a link website which is a third-party website the information is recorded by the third party and under his responsibility and is not subject to the Company's privacy standards and procedures.

### **Consent**

By visiting and/or accessing FTX website, you consent FTX to collect, process and use your personal data as per this Policy.

By opening a trading account with the Company, the client hereby consents to such collection, processing, storage and use of personal information by the Company as explained throughout this Policy.

This policy, forms part of the Client's agreement with the Company and therefore by entering an agreement with the Company you also agree to the terms of this Policy, as set out in this document.

### **Privacy Policy Updates**

K-DNA reserves the right to update the privacy policy whenever this is deemed to be appropriate. The update will be posted in the Company's website, the client accepts posting updated privacy policy as official notice to the client.

In case of further questions of information do not hesitate to contact us at: [euprivacy@ftx.com](mailto:euprivacy@ftx.com)

**EXHIBIT 3**

FTX Japan株式会社（以下、「当社」といいます。）は、以下のとおり個人情報保護方針を定め、個人情報の保護を推進致します。本ポリシーに用いられる用語は、利用規約に準じるものとします。

#### 第1条（総則）

当社は、当社サービスの利用者のプライバシーを尊重し、利用者の個人情報の管理に細心の注意を払うものとします。

当社は、利用者の個人情報を保護するための施策の実施・維持、それらの継続的な改善を行います。当社は、個人情報保護に関する法令及びその他の規範を遵守します。

#### 第2条（個人情報の定義）

本プライバシーポリシーにおいて、個人情報とは、個人情報保護法第2条第1項により定義された個人情報、すなわち、生存する個人に関する情報であつて、当該情報に含まれる氏名、生年月日その他の記述等により特定の個人を識別することができるもの（他の情報と容易に照合することができ、それにより特定の個人を識別することができることとなるものを含みます。）、及び個人識別符号が含まれるものを意味するものとします。

#### 第3条（個人情報の利用目的）

当社は、利用者から収集した個人情報を以下の目的のために使用するものとします。

- (1) 利用者のユーザー口座作成過程において、本人確認を行うため
- (2) 利用者からユーザー口座への入金、利用者への払い戻し対応等の本プラットフォーム上のサービス提供のため
- (3) 利用者からのお問い合わせ・ご相談に対する回答・返信をするため
- (4) 利用者に対し、当社、当社子会社、兄弟会社（親会社を共通にする当社以外の会社をいいます。）及び関係会社のサービスをご案内するため
- (5) 当社、当社子会社、兄弟会社及び関係会社のサービスの改善を目的とした分析を行うため
- (6) 当社、当社子会社、兄弟会社及び関係会社の取扱商品・サービスに関する市場調査、ならびにデータ分析やアンケートの実施等による金融商品やサービスの研究や開発のため
- (7) 当社、当社子会社、兄弟会社及び関係会社のサービスに関する保守・サポートのご提供のため
- (8) 当社、当社子会社、兄弟会社及び関係会社のサービスに関する規約、ルール、ガイドライン、リスク説明、ポリシー、注意事項その他の個別規程等（以下「規約等」といいます。）の変更などを通知するため
- (9) バックアップデータ作成のため
- (10) 規約等に違反する行為又はその恐れのある行為を行った利用者に対して注意又は警告

等の対応を行うため

- (11) 当社内の監査実施のため
- (12) 緊急時のご連絡のため
- (13) その他上記目的に付随する業務のため

#### 第4条（個人情報の利用目的の変更）

当社は、個人情報の利用目的を相当の関連性を有すると合理的に認められる範囲内において変更することがあり、変更した場合には利用者に通知又は公表します。

#### 第5条（個人情報利用の制限）

当社は、個人情報保護法その他の法令により許容される場合を除き、利用者の同意を得ず、利用目的の達成に必要な範囲を超えて個人情報を取り扱いません。但し、次の場合はこの限りではありません。

- 1. 法令に基づく場合
- 2. 人の生命、身体又は財産の保護のために必要がある場合であって、利用者の同意を得ることが困難であるとき
- 3. 公衆衛生の向上又は児童の健全な育成の推進のために特に必要がある場合であって、利用者の同意を得ることが困難であるとき
- 4. 国の機関もしくは地方公共団体又はその委託を受けた者が法令の定める事務を遂行することに対して協力する必要がある場合であって、利用者の同意を得ることにより当該事務の遂行に支障を及ぼすおそれがあるとき

#### 第6条（個人情報の適正な取得）

当社は、適正に個人情報を取得し、偽りその他不正の手段により取得しません。なお、利用者その他情報主体等が個人情報の提供を拒否される場合、当社が利用者に対するサービスの提供を拒否する場合や当社によるサービスの提供等が適切に行われない場合等があることをご了承ください。

また、当社は、個人情報保護法その他の法令等により許容される場合を除くほか、あらかじめ本人の同意を得ないで、要配慮個人情報（個人情報保護法第2条第3項により定義されるものを意味します。）並びに労働組合への加盟、門地、本籍地、保険医療及び性生活に関する情報を取得、利用又は第三者提供いたしません。

#### 第7条（個人情報等の安全管理）

当社は、個人情報の紛失、破壊、改ざん及び漏洩などのリスクに対して、個人情報の安全管理が図られるよう、当社の従業員に対し、必要かつ適切な監督を行います。また、当社は、個人情報の取扱いの全部又は一部を委託する場合は、委託先において個人情報の安全管理

が図られるよう、必要かつ適切な監督を行います。

#### 第8条（個人情報の第三者提供）

当社は、個人情報保護法その他の法令により許容される場合を除くほか、利用者による事前の同意を得ないで、個人情報を第三者に対して開示又は提供しないものとします。ただし、次に掲げる場合は上記に定める第三者への開示又は提供には該当しません。

1. 当社が利用目的の達成に必要な範囲内において個人情報の取扱いの全部又は一部を委託する場合
2. 合併その他の事由による事業の承継に伴って個人情報が提供される場合

#### 第9条（外国にある第三者への提供）

当社が、以下に掲げる者に対して、以下の目的で利用者の個人情報の提供を行うことにつきましてご了承ください。

1. ベトナム社会主義共和国及びシンガポール共和国に所在する当社の子会社又は兄弟会社： 第3条（4）から（8）まで、及び（13）に掲げる目的

#### 第10条（個人情報管理の委託）

当社は、利用目的の達成に必要な範囲内において、個人情報の取扱い業務の全部又は一部を委託する場合があります。この場合、当社は、個人情報を適正に取り扱うと認められるものを選定し、委託契約において、安全管理措置、秘密保持、再委託の条件、委託契約終了時の個人情報の返却等その他の個人情報の取り扱いに関する事項について適正に定め、必要かつ適切な監督を実施します。

#### 第11条（継続的改善）

当社は、個人情報の取扱いに関する運用状況を適宜見直し、継続的な改善に努めるものとし、必要に応じて、本プライバシーポリシーを変更することがあります。

#### 第12条（データのバックアップ）

当社は、定期的に情報のバックアップデータを保存することがあります。これらのデータには、利用者の当社サービスの利用により取得した個人情報が含まれる場合があります。これらの情報は、利用者がその地位を喪失した後においても保存される場合があります。ただし、当社は、それ



らの情報を保存する義務を負うものではなく、保存された情報が再度利用可能 になることを保証するものでもありません。

#### 第13条（利用者による開示請求手続）

当社は、利用者より当該利用者の個人情報の開示を求められた場合、利用者ご本人様からの請求であることを確認した後、個人情報保護法その他の法令により、当社が開示の義務を負わない場合を除き、利用者に対し、遅滞なく開示を行います（当該個人情報が存在しないときにはその旨を通知いたします。）。なお、利用者につきましては、利用者情報管理画面より当社が保有する個人情報を確認及び訂正することができます。当社において、個別に開示請求手続きに応じた場合につきましては、利用者から別途手数料（1,000 円（税別））を頂戴いたします。

#### 第14条（個人情報の訂正等）

当社は、利用者から、個人情報保護法の定めに基づき当該利用者の個人情報の訂正・追加・削除（以下「訂正等」といいます。）を求められた場合、利用者ご本人様からの請求であることを確認した後、利用目的の達成に必要な範囲内において、遅滞なく必要な調査を行い、その結果に基づき、個人情報の内容の訂正等を行い、その旨を利用者に通知します（訂正等を行わない旨の決定をしたときは、利用者に対しその旨を通知いたします。）。ただし、個人情報保護法その他の法令により、当社が訂正等の義務を負わない場合は、この限りではありません。

#### 第15条（個人情報の利用停止等）

当社は、利用者から、利用者の情報が、あらかじめ公表された利用目的の範囲を超えて取扱われているという理由又は偽りその他不正の手段により取得されたものであるという理由により、個人情報保護法の定めに基づきその利用の停止又は消去（以下「利用停止等」といいます。）を求められた場合、その請求に理由があることが判明した場合には、利用者ご本人様からの請求であることを確認した後、遅滞なく個人情報の利用停止等を行い、その旨を利用者に通知します。ただし、個人情報保護法その他の法令により、当社が訂正等の義務を負わない場合は、この限りではありません。

#### 第16条（免責）

当社は、外部からの攻撃及び侵入の脅威から個人情報を保護するための最大限の措置を講じますが、個人情報は、常に外部からの攻撃と侵入の脅威に晒されています。当社は、これらの保護措置の有効性及び不法な第三者からの不正アクセス防止を保証するものではありません。当社、当社の役職員及び委託先等の関係者は、当社の合理的措置にもかかわらず発生した個人情報漏えいによる損害については、一切の責任を負いません。

第17条（問い合わせ先）

開示等のお申出、ご意見、ご質問、苦情のお申出その他個人情報の取扱いに関するお問い合わせは以下の窓口にお願いします。

電子メールアドレス：support\_jp@quoine.com

※ 弊社電話番号はお客様からのご要望に基づき遅滞なく電子メールにて通知いたします。

弊社電話番号が必要なお客様は上記メールアドレスからお問合せください。

2019年6月28日施行  
2022年4月1日改訂

## 新旧対照表

新	旧	備考
<p>第2条（個人情報の定義） 本プライバシーポリシーにおいて、個人情報とは、個人情報保護法第2条第1項により定義された個人情報、すなわち、生存する個人に関する情報であつて、当該情報に含まれる氏名、生年月日その他の記述等により特定の個人を識別することができるもの（他の情報と容易に照合することができ、それにより特定の個人を識別することができることとなるものを含みます。）、<u>及び個人識別符号が含まれるもの</u>を意味するものとしします。</p> <p>第3条（個人情報の利用目的） 当社は、利用者から収集した個人情報を以下の目的のために使用するものとしします。</p> <p>...</p> <p>(4)利用者に対し、<u>当社、当社子会社、兄弟会社（親会社を共通にする当社以外の会社をいいます。）及び関係会社</u>のサービスをご案内するため</p> <p>(5)<u>当社、当社子会社、兄弟会社及び関係会社</u>のサービスの改善を目的とした分析を行うため</p> <p>(6)<u>当社、当社子会社、兄弟会社及び関係会社</u>の取扱商品・サービスに関する市場調査、ならびにデータ分析やアンケートの実施等による金融商品やサービスの研究や開発のため</p> <p>(7)<u>当社、当社子会社、兄弟会社及び関係会社</u>のサービスに関する保守・サポートのご提供のため</p> <p>(8)<u>当社、当社子会社、兄弟会社及び関係会社</u>のサービスに関する規約、ルール、ガイドライン、リスク説明、ポリシー、注意事項その他の個別規程等（以下「規約等」といいます。）の変更などを通知するため</p> <p>...</p> <p>第6条（個人情報の適正な取得） <u>また、当社は、個人情報保護法その他の法令等により許容される場合を除くほか、あらかじめ本人の同意を得ないで、要配慮個人情報（個人情報保護法第2条第3項により定義されるものを意味します。）並びに労働組合への加盟、門地、本籍地、保険医療及び性生活に関する情報を取</u></p>	<p>第2条（個人情報の定義） 本プライバシーポリシーにおいて、個人情報とは、個人情報保護法第2条第1項により定義された個人情報、すなわち、生存する個人に関する情報であつて、当該情報に含まれる氏名、生年月日その他の記述等により特定の個人を識別することができるもの（他の情報と容易に照合することができ、それにより特定の個人を識別することができることとなるものを含みます。）を意味するものとしします。</p> <p>第3条（個人情報の利用目的） 当社は、利用者から収集した個人情報を以下の目的のために使用するものとしします。</p> <p>...</p> <p>(4)利用者に対し、当社、当社子会社および関係会社のサービスをご案内するため</p> <p>(5)当社、当社子会社および関係会社のサービスの改善を目的とした分析を行うため</p> <p>(6)当社、当社子会社および関係会社の取扱商品・サービスに関する市場調査、ならびにデータ分析やアンケートの実施等による金融商品やサービスの研究や開発のため</p> <p>(7)当社、当社子会社および関係会社のサービスに関する保守・サポートのご提供のため</p> <p>(8)当社、当社子会社および関係会社のサービスに関する規約、ルール、ガイドライン、リスク説明、ポリシー、注意事項その他の個別規程等（以下「規約等」といいます。）の変更などを通知するため</p> <p>...</p> <p>第6条（個人情報の適正な取得） (追加)</p>	<p>(変更)</p> <p>(変更)</p> <p>(追加)</p>

<p><u>得、利用又は第三者提供いたしません。</u></p> <p><u>第9条（外国にある第三者への提供）</u>  <u>当社が、以下に掲げる者に対して、</u>  <u>以下の目的で利用者の個人情報の提供を行うことにつきましてご了承ください。</u></p> <p><u>1. ベトナム社会主義共和国及びシンガポール共和国に所在する当社の子会社又は兄弟会社： 第3条（4）から（8）まで、及び（13）に掲げる目的</u></p> <p><u>2. イスラエル国に所在する当社の本人確認業務にかかる外部委託先： 第3条（1）及び（13）に掲げる目的</u></p> <p>※ 上記のほか、体裁面での修正を加えております。</p>	<p>第9条（外国にある第三者への提供）</p> <p>（新設）</p>	<p>（新設）</p>
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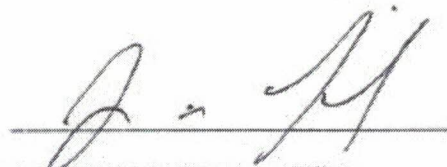
**EXHIBIT 4**

**LIONBRIDGE**

STATE OF NEW YORK            )  
                                          )  
                                          )           SS  
COUNTY OF NEW YORK        )

**CERTIFICATION**

This is to certify that the attached translation is, to the best of my knowledge and belief, a true and accurate translation from Japanese into English of the attached Privacy Policy of FTX Japan K.K.

  
Laura Musich, Managing Editor  
Lionbridge

Sworn to and subscribed before me

this 7<sup>th</sup> day of January, 2023.



ETHAN WIN LY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01LY6323702  
Qualified in New York County  
My Commission Expires 04-27-2023

FTX Japan K.K. (hereinafter referred to as "the Company") has established the following privacy policy to promote the protection of personal information. Terms used in this policy shall conform to the Terms of Use.

#### Article 1 (General Provisions)

The Company respects the privacy of users of its services and takes the utmost care in managing their personal information.

The Company will implement and maintain measures to protect users' personal information and continuously improve these measures. The Company will comply with laws, regulations, and other norms related to the protection of personal information.

#### Article 2 (Definition of Personal Information)

In this Privacy Policy, personal information means personal information as defined in Article 2, Paragraph 1 of the Personal Information Protection Law, i.e., information about a living individual that can be used to identify the specific individual by name, date of birth, or other description contained in the information (including information that can be easily cross-checked with other information to identify the specific individual), and personal identification codes.

#### Article 3 (Purpose of Use of Personal Information)

The Company utilizes personal information collected from users for the following purposes.

- (1) To verify the identity of users in the process of creating user accounts
- (2) To provide services on the Platform, such as depositing funds from the user into the user's account and handling refunds to the user
- (3) To respond to and reply to inquiries and consultations from users
- (4) To inform users of the services of the Company, its subsidiaries, sibling companies (meaning companies other than the Company that share a common parent company), and affiliated companies
- (5) To conduct analysis for the purpose of improving the services of the Company, its subsidiaries, siblings and affiliates
- (6) To conduct market research on products and services handled by the Company, its subsidiaries, siblings and affiliates, and to research and develop financial products and services by analyzing data, conducting questionnaires, etc.
- (7) To provide maintenance and support related to the services of the Company, its subsidiaries, siblings and affiliates
- (8) To notify changes in terms, rules, guidelines, risk descriptions, policies, precautions, and other individual regulations, etc. (hereinafter referred to as "Terms and Conditions, etc.") regarding the services of the Company, its subsidiaries, siblings, and affiliates
- (9) To create backup data
- (10) To issue cautions or warnings to users who have committed or may commit acts in violation of the Terms and Conditions, etc.

- (11) To conduct audits within the Company
- (12) For emergency contact
- (13) For other operations incidental to the above purposes

#### Article 4 (Changes to the Purpose of Use of Personal Information)

The Company may change the purposes of use of personal information to the extent reasonably deemed to be relevant, and will notify users or publicly announce any such changes.

#### Article 5 (Restrictions on the Use of Personal Information)

The Company will not handle personal information beyond the scope necessary to achieve the purpose of use without the consent of the user, except as permitted by the Personal Information Protection Law or other laws and regulations. However, this does not apply in the following cases:

1. When required by law
2. When it is necessary for the protection of a person's life, body, or property and it is difficult to obtain the user's consent
3. When it is especially necessary to improve public health or promote the sound growth of children and it is difficult to obtain the user's consent
4. When it is necessary to cooperate with a national agency, a local government, or an individual or entity entrusted by either a national agency or local government to execute affairs prescribed by law, and obtaining the user's consent is likely to impede the execution of such affairs.

#### Article 6 (Proper Acquisition of Personal Information)

The Company will acquire personal information in an appropriate manner and will not acquire it through deception or other wrongful means. Please note that if a user or other information subject refuses to provide personal information, the Company may refuse to provide services to the user, or may not be able to provide services properly.

The Company will not acquire, use, or provide to third parties any personal information requiring special consideration (as defined in Article 2, Paragraph 3 of the Personal Information Protection Law) or information related to labor union affiliation, family origin, legal domicile, medical insurance, or sex life without the prior consent of the individual, except as permitted by the Personal Information Protection Law or other laws or regulations.

#### Article 7 (Security Control of Personal Information, etc.)

The Company supervises employees as necessary and appropriate to ensure that personal information is securely managed against risks such as loss, destruction, falsification, and leakage of personal information. In addition, when the Company outsources all or part of the handling of personal information, the Company will provide necessary and appropriate supervision to ensure that the outsourced company manages the personal information safely.



#### Article 8 (Provision of Personal Information to Third Parties)

The Company will not disclose or provide personal information to third parties without prior consent from the user, except as permitted by the Personal Information Protection Law or other laws and regulations. However, the following cases do not constitute disclosure or provision to a third party as set forth above.

1. When the Company outsources all or part of the handling of personal information within the scope necessary to achieve the purpose of use
2. Cases in which personal information is provided as a result of the succession of business due to merger or other reasons

#### Article 9 (Provision to a Third Party in a Foreign Country)

Please be advised that the Company may provide your personal information to the following parties for the following purposes:

1. The Company's subsidiaries or sibling companies located in the Socialist Republic of Vietnam and the Republic of Singapore: Purposes listed in Article 3 (4) through (8) and (13)

#### Article 10 (Entrustment of Personal Information Management)

The Company may outsource all or part of the work handling personal information to the extent necessary to achieve the purpose of use. In this case, the Company will select a party that is deemed to handle personal information appropriately, and will properly stipulate in the consignment contract security control measures, confidentiality, conditions for re-consignment, return of personal information at the end of the consignment contract, and other matters related to the handling of personal information, and conduct necessary and appropriate supervision.

#### Article 11 (Continuous Improvement)

The Company will review its privacy policy from time to time and strive for continuous improvement, and may change this privacy policy from time to time as necessary.

#### Article 12 (Data Backup)

The Company may periodically store backup data of information. Such data may include personal information obtained through the user's use of the Company's services. This information may be retained even after the user loses his or her position. However, the Company is not obligated to store such information, nor does the Company guarantee that the stored information will be made available again.

#### Article 13 (Procedure for Requesting Disclosure by Users)

When the Company receives a request from a user to disclose said user's personal information, after confirming that the request is made by the user himself/herself, the Company will disclose the information to the user without delay, except in cases where the Company is not obligated to disclose the information under the Personal Information Protection Law or other laws and regulations (if the relevant personal information does not exist, the Company will notify the user to that effect). Users can check and correct their personal information held by the Company from the User Information Management screen. In the event that the Company responds to an individual request for disclosure, the user will be charged a separate fee of 1,000 yen (excluding tax).

#### Article 14 (Correction of Personal Information, etc.)

When the Company receives a request from a user to correct, add, or delete (hereinafter referred to as "correct, etc.") the user's personal information in accordance with the provisions of the Personal Information Protection Law, after confirming that the request is from the user himself/herself, the Company will conduct the necessary investigation without delay within the scope necessary to achieve the purpose of use, correct, etc. the content of the personal information based on the results, and notify the user to that effect (if the Company decides not to correct, etc., it will notify the user to that effect). However, this shall not apply in cases where the Company is not obligated to make such corrections, etc. under the Personal Information Protection Law or other laws and regulations.

#### Article 15 (Suspension of Use of Personal Information, etc.)

If the Company receives a request from a user to stop using or delete (hereinafter referred to as "stop using, etc.") his/her personal information in accordance with the provisions of the Personal Information Protection Law on the grounds that the user's information has been handled beyond the scope of the purpose of use previously announced or that the information was obtained through deception or other wrongful means, if the request is found to have a reason, the Company will stop using, etc. the information without delay and notify the user thereof, after confirming that the request is from the user himself/herself. However, this shall not apply in cases where the Company is not obligated to make such corrections, etc. under the Personal Information Protection Law or other laws and regulations.

#### Article 16 (Disclaimer)

While the Company takes the utmost measures to protect personal information from external attacks and threats of intrusion, personal information is always subject to external attacks and threats of intrusion. The Company does not guarantee the effectiveness of these protective measures or the prevention of unauthorized access by illegal third parties. The Company, its officers and employees, contractors, and other related parties shall not be liable for any damage caused by the leakage of personal information that occurs despite the Company's reasonable measures.

Article 17 (Contact for Inquiries)

For requests for disclosure, opinions, questions, complaints, and other inquiries regarding the handling of personal information, please contact the following:

Email address: support\_jp@quoine.com

※ Our telephone number will be notified by email without delay upon your request. If you need our phone number, please contact us from the above email address.

Effective on June 28, 2019

Revised on April 1, 2022

Old and New Comparison Table

New	Old	Remarks
Article 2 (Definition of Personal Information) In this Privacy Policy, personal information means personal information as defined in Article 2, Paragraph 1 of the Personal Information Protection Law, i.e., information about a living individual that can be used to identify the specific individual by name, date of birth, or other description contained in the information (including information that can be easily cross-checked with other information to identify the specific individual), <u>and personal identification codes.</u>	Article 2 (Definition of Personal Information) In this Privacy Policy, personal information means personal information as defined in Article 2, Paragraph 1 of the Personal Information Protection Law, i.e., information about a living individual that can be used to identify the specific individual by name, date of birth, or other description contained in such information (including information that can be easily cross-checked with other information to identify the specific individual).	(Changed)
Article 3 (Purpose of Use of Personal Information) The Company utilizes personal information collected from users for the following purposes. ...	Article 3 (Purpose of Use of Personal Information) The Company utilizes personal information collected from users for the following purposes. ...	(Changed)
(4) To inform users of the services of the Company, <u>its subsidiaries, sibling companies (meaning companies other than the Company that share a common parent company), and affiliated companies</u>	(4) To inform users of the services of the Company, its subsidiaries and affiliates	(Changed)
(5) To conduct analysis for the purpose of improving the services of the Company, <u>its subsidiaries, siblings and affiliates</u>	(5) To conduct analysis for the purpose of improving the services of the Company, its subsidiaries and affiliates	
(6) To conduct market research on products and services handled by the Company, <u>its subsidiaries, siblings and affiliates</u> , and to research and develop financial products and services by analyzing data, conducting questionnaires, etc.	(6) To conduct market research on products and services handled by the Company, its subsidiaries and affiliates, and to research and develop financial products and services by analyzing data and conducting questionnaires, etc.	
(7) To provide maintenance and support related to the services of the Company, <u>its subsidiaries, siblings and affiliates</u>	(7) To provide maintenance and support related to the services of the Company, its subsidiaries and affiliates	
(8) To notify changes in terms, rules, guidelines, risk descriptions, policies, precautions, and other individual regulations, etc. (hereinafter referred to as "Terms and Conditions, etc.") regarding the services of the Company, <u>its subsidiaries, siblings, and affiliates</u>	(8) To notify changes in terms, rules, guidelines, risk descriptions, policies, precautions, and other individual regulations, etc. (hereinafter referred to as "Terms and Conditions, etc.") regarding the services of the Company, its subsidiaries and affiliates. ...	
Article 6 (Proper Acquisition of Personal Information) <u>The Company will not acquire, use, or provide to third parties any personal information requiring special consideration (as defined in Article 2, Paragraph 3 of the Personal Information Protection Law) or information related to labor union affiliation, family origin, legal domicile, medical insurance, or sex life without the prior consent of the individual, except as permitted by the Personal Information Protection Law or other laws or regulations.</u>	Article 6 (Proper Acquisition of Personal Information)  (Added)	(Added)

<p><u>Article 9 (Provisioning to a Third Party in a Foreign Country)</u>  <u>Please be advised that the Company may provide your personal information to the following parties for the following purposes:</u></p> <p><u>1. The Company's subsidiaries or sibling companies located in the Socialist Republic of Vietnam and the Republic of Singapore: Purposes listed in Article 3 (4) through (8) and (13)</u>  <u>2. Our outsourcing partner for identity verification services located in Israel: Purposes listed in Article 3 (1) and (13)</u></p> <p>※ In addition to the above, the presentation has been revised.</p>	<p>Article 9 (Provisioning to a Third Party in a Foreign Country)  (Newly established)</p>	<p>(Newly established)</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------	----------------------------



FTX Japan株式会社（以下、「当社」といいます。）は、以下のとおり個人情報保護方針を定め、個人情報の保護を推進致します。本ポリシーに用いられる用語は、利用規約に準じるものとします。

## 第1条（総則）

当社は、当社サービスの利用者のプライバシーを尊重し、利用者の個人情報の管理に細心の注意を払うものとします。

当社は、利用者の個人情報を保護するための施策の実施・維持、それらの継続的な改善を行います。当社は、個人情報保護に関する法令及びその他の規範を遵守します。

## 第2条（個人情報の定義）

本プライバシーポリシーにおいて、個人情報とは、個人情報保護法第2条第1項により定義された個人情報、すなわち、生存する個人に関する情報であつて、当該情報に含まれる氏名、生年月日その他の記述等により特定の個人を識別することができるもの（他の情報と容易に照合することができ、それにより特定の個人を識別することができることとなるものを含みます。）、及び個人識別符号が含まれるものを意味するものとします。

## 第3条（個人情報の利用目的）

当社は、利用者から収集した個人情報を以下の目的のために使用するものとします。

- (1) 利用者のユーザー口座作成過程において、本人確認を行うため
- (2) 利用者からユーザー口座への入金、利用者への払い戻し対応等の本プラットフォーム上のサービス提供のため
- (3) 利用者からのお問い合わせ・ご相談に対する回答・返信をするため
- (4) 利用者に対し、当社、当社子会社、兄弟会社（親会社を共通にする当社以外の会社をいいます。）及び関係会社のサービスをご案内するため
- (5) 当社、当社子会社、兄弟会社及び関係会社のサービスの改善を目的とした分析を行うため
- (6) 当社、当社子会社、兄弟会社及び関係会社の取扱商品・サービスに関する市場調査、ならびにデータ分析やアンケートの実施等による金融商品やサービスの研究や開発のため
- (7) 当社、当社子会社、兄弟会社及び関係会社のサービスに関する保守・サポートのご提供のため
- (8) 当社、当社子会社、兄弟会社及び関係会社のサービスに関する規約、ルール、ガイドライン、リスク説明、ポリシー、注意事項その他の個別規程等（以下「規約等」といいます。）の変更などを通知するため
- (9) バックアップデータ作成のため
- (10) 規約等に違反する行為又はその恐れのある行為を行った利用者に対して注意又は警告

等の対応を行うため

- (11) 当社内の監査実施のため
- (12) 緊急時のご連絡のため
- (13) その他上記目的に付随する業務のため

#### 第4条（個人情報の利用目的の変更）

当社は、個人情報の利用目的を相当の関連性を有すると合理的に認められる範囲内において変更することがあり、変更した場合には利用者に通知又は公表します。

#### 第5条（個人情報利用の制限）

当社は、個人情報保護法その他の法令により許容される場合を除き、利用者の同意を得ず、利用目的の達成に必要な範囲を超えて個人情報を取り扱いません。但し、次の場合はこの限りではありません。

- 1. 法令に基づく場合
- 2. 人の生命、身体又は財産の保護のために必要がある場合であって、利用者の同意を得ることが困難であるとき
- 3. 公衆衛生の向上又は児童の健全な育成の推進のために特に必要がある場合であって、利用者の同意を得ることが困難であるとき
- 4. 国の機関もしくは地方公共団体又はその委託を受けた者が法令の定める事務を遂行することに対して協力する必要がある場合であって、利用者の同意を得ることにより当該事務の遂行に支障を及ぼすおそれがあるとき

#### 第6条（個人情報の適正な取得）

当社は、適正に個人情報を取得し、偽りその他不正の手段により取得しません。なお、利用者その他情報主体等が個人情報の提供を拒否される場合、当社が利用者に対するサービスの提供を拒否する場合や当社によるサービスの提供等が適切に行われない場合等があることをご了承ください。

また、当社は、個人情報保護法その他の法令等により許容される場合を除くほか、あらかじめ本人の同意を得ないで、要配慮個人情報（個人情報保護法第2条第3項により定義されるものを意味します。）並びに労働組合への加盟、門地、本籍地、保険医療及び性生活に関する情報を取得、利用又は第三者提供いたしません。

#### 第7条（個人情報等の安全管理）

当社は、個人情報の紛失、破壊、改ざん及び漏洩などのリスクに対して、個人情報の安全管理が図られるよう、当社の従業員に対し、必要かつ適切な監督を行います。また、当社は、個人情報の取扱いの全部又は一部を委託する場合は、委託先において個人情報の安全管理



が図られるよう、必要かつ適切な監督を行います。

#### 第8条（個人情報の第三者提供）

当社は、個人情報保護法その他の法令により許容される場合を除くほか、利用者による事前の同意を得ないで、個人情報を第三者に対して開示又は提供しないものとします。ただし、次に掲げる場合は上記に定める第三者への開示又は提供には該当しません。

1. 当社が利用目的の達成に必要な範囲内において個人情報の取扱いの全部又は一部を委託する場合
2. 合併その他の事由による事業の承継に伴って個人情報が提供される場合

#### 第9条（外国にある第三者への提供）

当社が、以下に掲げる者に対して、以下の目的で利用者の個人情報の提供を行うことにつきましてご了承ください。

1. ベトナム社会主義共和国及びシンガポール共和国に所在する当社の子会社又は兄弟会社： 第3条（4）から（8）まで、及び（13）に掲げる目的

#### 第10条（個人情報管理の委託）

当社は、利用目的の達成に必要な範囲内において、個人情報の取扱い業務の全部又は一部を委託する場合があります。この場合、当社は、個人情報を適正に取り扱うと認められるものを選定し、委託契約において、安全管理措置、秘密保持、再委託の条件、委託契約終了時の個人情報の返却等その他の個人情報の取り扱いに関する事項について適正に定め、必要かつ適切な監督を実施します。

#### 第11条（継続的改善）

当社は、個人情報の取扱いに関する運用状況を適宜見直し、継続的な改善に努めるものとし、必要に応じて、本プライバシーポリシーを変更することがあります。

#### 第12条（データのバックアップ）

当社は、定期的に情報のバックアップデータを保存することがあります。これらのデータには、利用者の当社サービスの利用により取得した個人情報が含まれる場合があります。これらの情報は、利用者がその地位を喪失した後においても保存される場合があります。ただし、当社は、それ

らの情報を保存する義務を負うものではなく、保存された情報が再度利用可能 になることを保証するものでもありません。

#### 第13条（利用者による開示請求手続）

当社は、利用者より当該利用者の個人情報の開示を求められた場合、利用者ご本人様からの請求であることを確認した後、個人情報保護法その他の法令により、当社が開示の義務を負わない場合を除き、利用者に対し、遅滞なく開示を行います（当該個人情報が存在しないときにはその旨を通知いたします。）。なお、利用者につきましては、利用者情報管理画面より当社が保有する個人情報を確認及び訂正することができます。当社において、個別に開示請求手続きに応じた場合につきましては、利用者から別途手数料（1,000 円（税別））を頂戴いたします。

#### 第14条（個人情報の訂正等）

当社は、利用者から、個人情報保護法の定めに基づき当該利用者の個人情報の訂正・追加・削除（以下「訂正等」といいます。）を求められた場合、利用者ご本人様からの請求であることを確認した後、利用目的の達成に必要な範囲内において、遅滞なく必要な調査を行い、その結果に基づき、個人情報の内容の訂正等を行い、その旨を利用者に通知します（訂正等を行わない旨の決定をしたときは、利用者に対しその旨を通知いたします。）。ただし、個人情報保護法その他の法令により、当社が訂正等の義務を負わない場合は、この限りではありません。

#### 第15条（個人情報の利用停止等）

当社は、利用者から、利用者の情報が、あらかじめ公表された利用目的の範囲を超えて取扱われているという理由又は偽りその他不正の手段により取得されたものであるという理由により、個人情報保護法の定めに基づきその利用の停止又は消去（以下「利用停止等」といいます。）を求められた場合、その請求に理由があることが判明した場合には、利用者ご本人様からの請求であることを確認した後、遅滞なく個人情報の利用停止等を行い、その旨を利用者に通知します。ただし、個人情報保護法その他の法令により、当社が訂正等の義務を負わない場合は、この限りではありません。

#### 第16条（免責）

当社は、外部からの攻撃及び侵入の脅威から個人情報を保護するための最大限の措置を講じますが、個人情報は、常に外部からの攻撃と侵入の脅威に晒されています。当社は、これらの保護措置の有効性及び不法な第三者からの不正アクセス防止を保証するものではありません。当社、当社の役職員及び委託先等の関係者は、当社の合理的措置にもかかわらず発生した個人情報漏えいによる損害については、一切の責任を負いません。

第17条（問い合わせ先）

開示等のお申出、ご意見、ご質問、苦情のお申出その他個人情報の取扱いに関するお問い合わせは以下の窓口にお願いします。

電子メールアドレス：support\_jp@quoine.com

※ 弊社電話番号はお客様からのご要望に基づき遅滞なく電子メールにて通知いたします。

弊社電話番号が必要なお客様は上記メールアドレスからお問合せください。

2019年6月28日施行  
2022年4月1日改訂

## 新旧対照表

新	旧	備考
<p>第2条（個人情報の定義） 本プライバシーポリシーにおいて、個人情報とは、個人情報保護法第2条第1項により定義された個人情報、すなわち、生存する個人に関する情報であつて、当該情報に含まれる氏名、生年月日その他の記述等により特定の個人を識別することができるもの（他の情報と容易に照合することができ、それにより特定の個人を識別することができることとなるものを含みます。）、<u>及び個人識別符号が含まれるもの</u>を意味するものとします。</p> <p>第3条（個人情報の利用目的） 当社は、利用者から収集した個人情報を以下の目的のために使用するものとします。</p> <p>...</p> <p>(4)利用者に対し、<u>当社、当社子会社、兄弟会社（親会社を共通にする当社以外の会社をいいます。）及び関係会社</u>のサービスをご案内するため (5)<u>当社、当社子会社、兄弟会社及び関係会社</u>のサービスの改善を目的とした分析を行うため (6)<u>当社、当社子会社、兄弟会社及び関係会社</u>の取扱商品・サービスに関する市場調査、ならびにデータ分析やアンケートの実施等による金融商品やサービスの研究や開発のため (7)<u>当社、当社子会社、兄弟会社及び関係会社</u>のサービスに関する保守・サポートのご提供のため (8)<u>当社、当社子会社、兄弟会社及び関係会社</u>のサービスに関する規約、ルール、ガイドライン、リスク説明、ポリシー、注意事項その他の個別規程等（以下「規約等」といいます。）の変更などを通知するため</p> <p>...</p> <p>第6条（個人情報の適正な取得） <u>また、当社は、個人情報保護法その他の法令等により許容される場合を除くほか、あらかじめ本人の同意を得ないで、要配慮個人情報（個人情報保護法第2条第3項により定義されるものを意味します。）並びに労働組合への加盟、門地、本籍地、保険医療及び性生活に関する情報を取</u></p>	<p>第2条（個人情報の定義） 本プライバシーポリシーにおいて、個人情報とは、個人情報保護法第2条第1項により定義された個人情報、すなわち、生存する個人に関する情報であつて、当該情報に含まれる氏名、生年月日その他の記述等により特定の個人を識別することができるもの（他の情報と容易に照合することができ、それにより特定の個人を識別することができることとなるものを含みます。）を意味するものとします。</p> <p>第3条（個人情報の利用目的） 当社は、利用者から収集した個人情報を以下の目的のために使用するものとします。</p> <p>...</p> <p>(4)利用者に対し、当社、当社子会社および関係会社のサービスをご案内するため (5)当社、当社子会社および関係会社のサービスの改善を目的とした分析を行うため (6)当社、当社子会社および関係会社の取扱商品・サービスに関する市場調査、ならびにデータ分析やアンケートの実施等による金融商品やサービスの研究や開発のため (7)当社、当社子会社および関係会社のサービスに関する保守・サポートのご提供のため (8)当社、当社子会社および関係会社のサービスに関する規約、ルール、ガイドライン、リスク説明、ポリシー、注意事項その他の個別規程等（以下「規約等」といいます。）の変更などを通知するため</p> <p>...</p> <p>第6条（個人情報の適正な取得） （追加）</p>	<p>（変更）</p> <p>（変更）</p> <p>（追加）</p>

<p><u>得、利用又は第三者提供いたしません。</u></p> <p><u>第9条（外国にある第三者への提供）</u>  <u>当社が、以下に掲げる者に対して、</u>  <u>以下の目的で利用者の個人情報の提供を行うことにつきましてご了承ください。</u></p> <p><u>1. ベトナム社会主義共和国及びシンガポール共和国に所在する当社の子会社又は兄弟会社： 第3条（4）から（8）まで、及び（13）に掲げる目的</u></p> <p><u>2. イスラエル国に所在する当社の本人確認業務にかかる外部委託先： 第3条（1）及び（13）に掲げる目的</u></p> <p>※ 上記のほか、体裁面での修正を加えております。</p>	<p>第9条（外国にある第三者への提供）</p> <p>（新設）</p>	<p>（新設）</p>
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**EXHIBIT 5**

# Privacy Policy and Cookies Policy

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**IMPORTANT NOTICE FOR RESIDENTS OF JAPAN:** *These Terms of Use do not apply to you if you reside in Japan or if you are using or accessing the Services on behalf of an entity that is incorporated, established, or domiciled in Japan. If the preceding sentence applies to you, then you must review the Terms of Use ( 利用規約 ) provided on the Japanese language version of the Liquid website.*

*If you are a Japanese citizen not residing in Japan, the Terms of Use set forth below apply to you.*

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Effective Date: 20 March 2019

This Privacy Policy and Cookie Policy (“**Policies**”), together with our Terms of Use, governs Quoine’s collection, processing and use of your personal data and our use of cookies and similar technologies. As used in these Policies, “**Quoine**”, “**we**”, “**us**” or “**our**” refers to Quoine Pte Ltd., a company organized under the laws of Singapore. These Policies constitute a part of the Terms of Use to which you have previously agreed by registering for our Services and accessing our websites.

The governing language of these Policies is English. Any other language translation is provided for convenience only. **IMPORTANT: The “Privacy Policy” ( 個人情報保護方針 ) written in Japanese available on the Japanese language version of the Liquid website are not a translation of these Policies and are only applicable to users who reside in Japan.**

Please contact us with questions, comments, or concerns regarding our Privacy Policy and Cookies Policy and/or practices at [privacy@liquid.com](mailto:privacy@liquid.com).

## 1 ACCEPTANCE OF POLICIES AND UPDATES

By continuing to access and use the Services, you consent to our data practices as described in this Privacy Policy and Cookie Policy. If you do not agree with or are not comfortable with any aspect of these Policies, you should immediately stop accessing and using the Services. You may also contact us with questions, comments, or concerns regarding our Privacy Policy and Cookies Policy and/or practices at [privacy@liquid.com](mailto:privacy@liquid.com).

We reserve the right to modify this Privacy Policy and/or Cookies Policy at any time, and when required by law, we will notify you of changes to these Policies. If we make any material changes, we will notify you by email (sent to the e-mail address specified in your account) or by means of a notice on our Websites prior to the change becoming effective.

## 2 DEFINITIONS

Certain capitalized terms used in this Privacy Policy have the following meanings.

“**Account**” means an individual or corporate account for use of the Services opened by you in accordance with the Terms of Use.

“**Data Privacy Laws**” means data protection laws applicable to Quoine, including without limitation the Singapore Personal Data Protection Act 2012 and the EU General Data Protection Regulation 2016/679, and their respective successors or implementing texts.

“**Personal Data**” means any information that directly or indirectly can be used to identify a natural person. Personal Data does not include anonymized and/or aggregated data that does not identify a specific user.

**“Services”** has the meaning given in our Terms of Use.

**“Terms of Use”** means the Terms of Use posted on the Websites, which govern your use of the Services.

**“Websites”** has the meaning given in our Terms of Use.

### 3 PRIVACY POLICY

Quoine respects and is committed to protecting your privacy. The purpose of this Privacy Policy is to describe:

- The Personal Data we collect and how we may use or process such data;
- How and why we may disclose your Personal Data to third parties;
- The transfer of your Personal Data outside your country of residence;
- Your rights concerning your Personal Data;
- The security measures we use to protect and prevent the loss, misuse, or alteration of Personal Data; and
- Quoine’s retention of your Personal Data.

In cases where we require your consent to process your personal information, we will ask for your consent to the collection, use, processing and disclosure of your Personal Data as described further below. We may provide additional disclosures or additional information about the data collection, use and sharing practices of specific Services. These notices may supplement or clarify Quoine’s privacy practices or may provide you with additional choices about how Quoine processes your data.

#### 3.1 Collection of Personal Information

We collect Personal Data to provide you with our Services. You are free to choose whether to provide us with the types of Personal Data requested, but we may not be able to offer you some or all our Services when you do choose not to share certain information with us.

For example, we collect Personal Data which is required under law to open an account, to link a bank account, or to execute a transaction. We also collect Personal Data when you use or request information about our Services, subscribe to marketing communications, request support, complete surveys, or communicate with us. We may also collect Personal Data from you offline, such as when you attend one of our events or when you contact customer support. We may use this information in combination with other information we collect about you as set forth in this Privacy Policy.

Personal Data we collect may include the following:

**Information you provide to us.** We collect Personal Data that you provide directly to us through the Websites or by e-mail, phone, or any other medium. This may include:

- *Personal identification information*, such as your full name, home address, email address, date of birth, age, nationality, gender, signature, and photographs.
- *Formal identification information*, such as tax identification number, passport number and details, driver’s license details, national identity card details, photograph identification cards, and immigration visa information.
- *Account information*, such as your username, password, account settings and preferences.
- *Financial information*, such as bank account numbers, bank statement, virtual currency wallet addresses, trading data, and tax identification.
- *Residence verification information*, such as utility bill details, bank statements, or similar information.



**Information we collect when you use our services.** We also automatically collect information about your computer, device and browsing activity when you access the Websites or use Services. This information may include:

- *Device Information* – Information that is automatically collected about your device, such as the hardware, operating system, and browser used by you.
- *Location Information* – Information that is automatically collected via analytics systems providers to determine your location, such as your IP address and/or domain name and any external page that referred you to us.
- *Log Information* – Information that is generated by your use of the Websites and Services that is automatically collected and stored in our server logs, such as device-specific information, location information, system activity and any internal and external information related to Website pages that you visit.
- *Account Information* – Information that is generated by your account activity, such as trading activity, order activity, deposits, withdrawals, and account balances.

**Information we collect from other sources.** We may collect Personal Data from third party partners and public sources, which may include:

- *Reputational information*
- *Financial information*
- *Business activities of corporate users*

### 3.2 How We Use Your Personal Information

We may use and process your Personal Data with your consent, or without your consent where there is another proper basis for doing so or otherwise permitted or authorized by applicable Data Privacy Laws. We generally use your Personal Data for the purposes set forth below.

**Legal Obligations.** We use and process certain information to comply with our legal obligations:

- *To maintain legal and regulatory compliance:* We are required by law to collect and use your Personal Data in connection with certain of our core Services. For example, we must identify and verify users to comply with anti-money laundering and countering the financing of terrorism laws in various jurisdictions. For this purpose, we use third parties to verify your identity by comparing the Personal Data you provided against third-party databases and public records. If you do not provide this Personal Data, you will not be allowed to use our Services.
- *To ensure network and information security:* We process your Personal Data to enhance security, monitor and verify identity or service access, combat spam or other malware or security risks and to comply with applicable security laws and regulations. The threat landscape on the internet is constantly evolving, which makes it more important than ever that we have accurate and up-to-date information about your use of our Services. Without processing your Personal Data, we may not be able to ensure the security of our Services.

**Contractual Obligations.** We use and process certain information to be able to perform our obligations under our contract with you:

- *To provide the Services:* We process your Personal Data to provide the Services to you, including to open an account and to process your transactions. We cannot provide you with Services without such information.
- *To provide communications:* We send administrative or account-related information to you to keep you updated about our Services, inform you of relevant security issues or updates, or provide other transaction-related information. Without such communications, you may not be aware of important developments relating to your account that may affect how you can use our Services.
- *To provide customer service:* We process your Personal Data to resolve user questions or disputes, to collect fees, or to troubleshoot problems. Without processing your Personal Data for such purposes, we cannot respond to your requests and ensure your uninterrupted use of the Services.
- *To ensure quality control:* We process your Personal Data for quality control and staff training to make sure we continue to provide you with accurate information. If we do not process Personal Data for quality control purposes, you may experience issues on the Services such as inaccurate transaction records or other interruptions.

**Legitimate interests.** We use and process certain information based on our legitimate business interests in connection with our provision of the Services to you:

- *To enforce our terms of use and other agreements:* Quoine handles sensitive information, such as your identification and financial data, so it is very important for us and our customers that we actively monitor, investigate, prevent and mitigate any potentially prohibited or illegal activities or violations of our Terms of Use, and enforce our agreements with third parties, and violations of our Terms of Use or other agreements related to the Services. We may use any of your Personal Data collected on our Services for these purposes.
- *For research and development purposes:* We process your Personal Data to better understand the way you use and interact with the Services. In addition, we use such information to customize, measure, and improve the Services and the content and layout of the Websites and applications, and to develop new services. Without such processing, we cannot ensure your continued enjoyment of our Services.
- *To enhance your website experience:* We process your Personal Data to provide a personalized experience and to implement the preferences you request. Without such processing, we may not be able to ensure your continued enjoyment of part or all of our Services.
- *To facilitate corporate acquisitions, mergers, or transactions:* We may process any information regarding your account and use of our Services as is necessary in the context of corporate acquisitions, mergers, or other corporate transactions. You have the option of closing your account if you do not wish to have your Personal Data processed for such purposes.
- *To engage in marketing activities:* Based on your communication preferences, we may send you marketing communications to inform you about our events or our partner events, to deliver targeted marketing, and to provide you with promotional offers based on your communication preferences. We use information about your usage of our Services and your contact information to provide marketing communications. We may also share Personal Data with third parties to help us with our marketing and promotional projects or sending marketing communications. For example, we may participate in Facebook's Custom Audience and Google's Customer Match programs, in which we may provide certain Personal Data to Facebook and Google for the purpose of delivering targeted advertisements to other internet users. You can opt-out of our marketing activities at any time by contacting us at the following email address: [privacy@liquid.com](mailto:privacy@liquid.com).

### 3.3 Automated Decision Making

We may make automated decisions on certain matters, such as to fulfill our obligations imposed by law (such as to verify your identity), to detect fraudulent or prohibited activities, or to determine whether you are eligible for certain Services. If you disagree with the decision you are entitled to contest this by contacting us at following email address: [privacy@liquid.com](mailto:privacy@liquid.com).

### 3.4 Our Use of Cookies and Similar Technologies

Please see Part 4 (Cookies Policy) below for a description of how we use cookies and similar technologies on the Websites.

### 3.5 Disclosures to Third Parties

We take care to allow your Personal Data to be accessed only by those who need to perform their tasks and duties, and to share your Personal Data only where we have consent from you or have a proper legal basis for doing so without your consent. We generally disclose your Personal Data in the following circumstances:

- We may share your Personal Data with third party identity verification and transaction monitoring services to assist in the prevention of fraud and other illegal activities and to fulfill our obligations under anti-money laundering and countering the financing of terrorism laws and regulations. This allows Quoine to confirm your identity by comparing the Personal Data you provide us to public records and other third-party databases.
- We may share your Personal Data with service providers under contract who provide professional services to us (such as legal and accounting advisors) or help with parts of our business operations (such as marketing, payment and technology services). Our contracts provide for binding enforceable requirements on our service providers in compliance with applicable laws. .
- We may share your Personal Data with financial institutions and payment services providers with which we partner to process payments you have authorized.
- We may share your Personal Data with companies or other entities that we plan to merge with or be acquired by. If any such a combination occurs, then we will require that the new combined entity follow this Privacy Policy with respect to your Personal Data. You will receive prior notice of any change in applicable policies.
- We may share your information with companies or other entities that purchase Quoine's assets pursuant to a court-approved sale under applicable bankruptcy laws or where we are required to share your information pursuant to applicable insolvency laws.
- We may share your information with law enforcement, government officials or regulators, or other third parties when we are compelled to do so by a subpoena, court order, or similar legal procedure, to comply with applicable laws and regulations, to report suspected illegal activity, or to investigate violations of our Terms of Use or any other applicable policies.
- We may request your consent to share your information with third parties in certain other circumstances. Such requests may be presented to you in our Terms of Use, an email from us to you, or otherwise through the Services.
- In addition, from time to time, we may disclose your data to third parties without your consent but only to the extent allowed by applicable laws.

### 3.6 International Transfers of Personal Data

As a global company, we may store and process your Personal Data in our facilities in various locations, including Japan, Singapore, and Vietnam. This Privacy Policy applies regardless of the location in which we store and process your Personal Data.

We transfer Personal Data to service providers that process data in Ireland and Japan for the specific purposes of performing identity verification and other screening, to enable us to prevent fraud and to comply with our know-your-customer obligations under anti-money laundering and countering the financing of terrorism laws and regulations.

We transfer Personal Data to service providers located in the United States for the specific purposes of delivering emails and targeted marketing. When we send emails, Personal Data may pass through our service provider's data centers in Japan, India, and/or the United Kingdom for geo-forwarding to the United States.

We have provided for an adequate level of protection for your Personal Data including applicable technical and organizational security measures to protect Your Personal Data. Any onward transfer is subject to appropriate onward transfer requirements as required by applicable law.

### 3.7 Entitlements to Your Personal Data

Depending on the application of different Data Privacy Laws, you may be entitled to certain rights concerning your Personal Data. We may refuse your request where authorized or required by applicable Data Privacy Laws. Where you are not entitled to these rights, we may at our sole discretion choose to extend them to you or choose not to fulfil your request. You can request to exercise these rights by contacting us at [privacy@liquid.com](mailto:privacy@liquid.com). These rights include:

- **Access:** You are entitled to request a copy of your Personal Data held by us, and, depending on applicable Data Privacy Laws, a confirmation as to whether or not Personal Data concerning you is being processed. Where permitted or required by applicable Data Privacy Laws, we may ask for further particulars relating to your request, refuse to provide some or all of the Personal Data and, in certain circumstances, charge a fee to cover our costs.
- **Correction:** You are entitled to request that any incomplete or inaccurate Personal Data we hold about you is corrected. We may refuse your request where permitted or required by applicable Data Privacy Laws.
- **Erasure:** You may be entitled to ask us to delete or remove Personal Data in certain circumstances. There are also certain situations where we may refuse a request for erasure, such as in cases where the Personal Data is required for compliance with law or in connection with pending legal claims. We may be entitled not to fulfil this request if applicable Data Privacy Laws do not provide you with such rights.
- **Restriction:** You are entitled to ask us to restrict or stop the collection, use, processing and/or disclosure of your Personal Data. However, we may continue to do so to the extent permitted or required by applicable Data Privacy Laws.
- **Data Portability:** You are entitled to ask us to receive personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and you may have the right to transmit that data to another entity if both (a) our lawful basis for processing the Personal Data was based on either your consent or where it was necessary for our performance of our obligations under our contract with you, and (b) the processing was carried out by automated means. We may be entitled not to fulfil this request if applicable Data Privacy Laws do not provide you with such rights.
- **Objection:** If we are processing your Personal Data on the basis of our legitimate interests or public interests, you are entitled to object to such processing. You also have the right to object to the processing your Personal Data for the purpose of direct marketing. We may continue to process your data if there are compelling legitimate grounds for doing so or to establish, exercise or defend any legal claims. We may be entitled not to fulfil this request if applicable Data Privacy Laws do not provide you with such rights.

- **Automated Decisions:** We use automated decision making in certain circumstances described in Section 3.3 above. You may be entitled not to be subject to a decision based solely on any automated decision, including profiling, where this has a legal or similar significant effect and ask for it to be reconsidered. We may continue to use automated decision making where authorized or required by applicable Data Privacy Laws. We may be entitled not to fulfil this request if applicable Data Privacy Laws do not provide you with such rights.
- **Right to Submit a Complaint:** If you believe that we have infringed your rights, we encourage you to contact us first at [privacy@liquid.com](mailto:privacy@liquid.com) so that we can try to resolve the issue or dispute informally. You can also submit a complaint about our processing of your Personal Data to the relevant data protection authority. You can submit a complaint in the country where you live or work or in the place where the alleged breach of the applicable Data Privacy Laws has taken place.

### 3.8 Security of Personal Data

We use a variety of security measures to ensure the confidentiality of your Personal Data and to protect your Personal Data from loss, theft, unauthorized access, misuse, alteration or destruction. For example, we use computer safeguards such as firewalls and data encryption, we enforce physical access controls to our buildings and files, and we authorize access to Personal Data only for those employees who require it to fulfill their job responsibilities.

However, we cannot guarantee that loss, theft, unauthorized access, misuse, alteration or destruction of your Personal Data will not occur. Please take adequate measures to protect your Personal Data. When registering to use our Services, it is important to choose a password of sufficient length and complexity and to keep this password a secret. Please notify us immediately if you become aware of any unauthorized access to or use of your account.

Furthermore, we cannot ensure the security or confidentiality of Personal Data that you transmit to us or receive from us via the internet or wireless connection, including email, phone, or SMS. If you have reason to believe that your data is no longer secure, please contact us at the email address, mailing address or telephone number listed at the end of this Privacy Policy.

### 3.9 Retention of Personal Data

We retain Personal Data for as long as necessary to fulfill the purposes described in this Privacy Policy, subject to our own legal and regulatory obligations. The criteria we may use to determine the retention period for certain categories of data includes:

- how long you have had an Account;
- whether there are contractual or legal obligations that exist that require us to retain the data for a certain period of time;
- whether there is any ongoing legal or financial claim that relates to your relationship with us;
- whether any applicable law, statute, or regulation allows for a specific retention period; and
- what the expectation for retention was at the time the data was provided to us.

Except where prohibited by law, this period may extend beyond the end of your relationship with us for so long as is necessary for audit or other accounting or regulatory purposes. When Personal Data are no longer needed we have procedures either to destroy, delete, erase or convert it to an anonymous form.

After you have terminated your use of our Services, we reserve the right to maintain your Personal Data as part of our standard back up procedures in an aggregated format.

### 3.10 Children's Personal Information

We do not knowingly request to collect Personal Data from any person under the age of 18. If a user submitting Personal Data is suspected of being younger than 18 years of age, we will require the user to close his or her account. We will also take steps to delete the Personal Data as soon as possible. Please notify us if

you know of any individuals under the age of 18 using our Services so we can act to prevent access to our Services.

## 4 COOKIES POLICY

### 4.1 Description of Cookies

Cookies are small text files that are placed on your computer by websites that you visit. They are widely used to allow websites to work properly or more efficiently, as well as to provide information to the owners of the website.

There are two general categories of cookies. “First-party cookies” cookies are set directly by us. “Third-party cookies” are set by a third party, and that third party can recognize your computer both when it visits the Websites and when it visits certain other websites and/or mobile apps.

Cookies can remain on your computer or mobile device for different periods of time. Some cookies are “session cookies”, which exist only while your browser is open and expire once you close your browser. Other cookies are “persistent cookies”, which survive after your browser is closed. They can be used by websites to recognize your computer when you open your browser and browse the internet again.

More information on cookies and their use can be found at [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).

### 4.2 Why We Use Cookies

When you access our Services, we or companies we work with may place cookies on your computer or other device. These technologies help us better understand user behavior and inform us about which parts of the Websites people have visited.

We use cookies to:

- track traffic flow and patterns of travel in connection with the Websites;
- understand the total number of visitors to the Websites on an ongoing basis and the types of internet browsers (e.g. Firefox, Chrome or Internet Explorer) and operating systems (e.g. Windows or Mac OS) used by our visitors;
- monitor the performance of the Websites and to continually improve them;
- customize and enhance your online experience; and
- enable us and third-party to advertise both on and off the Websites.

### 4.3 Types of Cookies We Use

We use the following types of cookies:

- **Strictly Necessary Cookies:** These cookies are necessary because they enable you to move around our Websites and use certain features on our Services. For example, strictly necessary cookies allow you to access secure areas. Without these cookies, some Services cannot be provided.
- **Functionality Cookies:** These cookies allow us to remember the choices you make and to tailor our Services so we can provide relevant content to you. For example, a functionality cookie can remember your preferences (e.g., country or language selection), or your username.
- **Performance/Analytics Cookies:** These cookies collect information about how you use a website. For example, a performance/analytics cookie will collect information about which pages you go to most often, how much time you spend on that page, or if you get error messages from certain pages. These

cookies do not gather information that identifies you. The information these cookies collect is anonymous and is only used to improve how our Services work.

- **Advertising and Tracking Cookies:** Our Websites may feature advertising. We may allow third party companies, including advertising companies, to place cookies on our Websites. These cookies enable such companies to track your activity across various sites where they display ads and record your activities so they can show ads that they consider relevant to you as you browse the Internet. These cookies also allow us and third parties to know whether you have seen an ad or a type of ad, and how long it has been since you last saw it. This information may be used for frequency capping purposes, to help tailor the ads you see, and to measure the effectiveness of ads. These cookies are anonymous – they store information about the content you are browsing, but not about who you are.

#### 4.4 Other Similar Technologies We Use

In addition to cookies, we may use other similar technologies such as web beacons to track users of our Services. Web beacons, or “clear gifs”, are tiny graphics with a unique identifier, similar in function to cookies. They are used to track the online movements of web users.

In contrast to cookies, which are stored on a user's computer hard drive or device, clear gifs are embedded invisibly on web pages. We and our third-party service provider employ web beacons for the reasons stated above (under “4. Cookies Policy”), but primarily to help us better manage content on our Services by informing us which content is effective.

#### 4.5 Avoiding and Disabling Cookies

You have the right to choose whether or not to accept cookies when asked on our website, and instructions for other methods of exercising this right are given below. However, please note that if you choose to refuse cookies you may not be able to use the full functionality of our Websites.

- **Our Cookies.** Most browsers allow you to change your cookie settings. These settings will typically be found in the “options” or “preferences” menu of your browser.
- **Do Not Track.** Some Internet browsers – like Chrome, Internet Explorer, Firefox, and Safari – include the ability to transmit “Do Not Track” or “DNT” signals. Since uniform standards for “DNT” signals have not been adopted, our Websites do not currently process or respond to “DNT” signals.
- **Advertising Cookies.** To opt-out of third-party advertising networks and similar entities that use targeting/advertising cookies, go to <http://www.aboutads.info/choices>. Once you click the link, you may choose to opt-out of such advertising from all participating advertising companies or only advertising provided by specific advertising entities. For more information about third-party advertising networks and similar entities that use these technologies, please see <http://www.aboutads.info/consumers>.